



City Council Chambers
3300 Capitol Avenue
Fremont, California

City Council

Bob Wasserman, Mayor
Bob Wieckowski, Vice Mayor
Anu Natarajan
Bill Harrison
Suzanne Lee Chan

City Staff

Fred Diaz, City Manager
Harvey E. Levine, City Attorney
Melissa Stevenson Dile, Assistant City Manager

Dawn G. Abrahamson, City Clerk
Harriet Commons, Finance Director
Marilyn Crane, Information Technology Svcs. Dir.
Mary Kaye Fisher, Interim Human Resources Dir.
Annabell Holland, Parks & Recreation Dir.
Norm Hughes, City Engineer
Jill Keimach, Community Dev. Director
Bruce Martin, Fire Chief
Jim Pierson, Transportation & Ops Director
Jeff Schwob, Planning Director
Suzanne Shenfil, Human Services Director
Craig Steckler, Chief of Police
Lori Taylor, Economic Development Director
Elisa Tierney, Redevelopment Director

City Council Agenda and Report [Redevelopment Agency of Fremont]

General Order of Business

1. Preliminary
 - Call to Order
 - Salute to the Flag
 - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
 - Public Hearings
 - Appeals
 - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.

The City Council Agendas may be accessed by computer at the following Worldwide Web Address: www.fremont.gov

Information

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website (www.Fremont.gov).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk
City of Fremont
3300 Capitol Avenue, Bldg. A
Fremont, California 94538
Telephone: (510) 284-4060

Your interest in the conduct of your City's business is appreciated.

**NOTICE AND AGENDA OF SPECIAL MEETING
CLOSED SESSION
CITY COUNCIL OF THE CITY OF FREMONT
AND
THE REDEVELOPMENT AGENCY**

DATE: **Tuesday, June 8, 2010**

TIME: **6:45 p.m.**

LOCATION: **Fremont Room, 3300 Capitol Avenue, Fremont-**

The City/Agency will convene a special meeting. It is anticipated the City/Agency will immediately adjourn the meeting to a closed session regarding possible initiation of litigation against the City/Agency in one matter, as follows:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

This Closed Session is authorized by subdivision (C) of Section 54956.9 of the Government Code and will pertain to possible initiation of litigation against the City/Agency in one matter.

This Special Meeting is being called by Mayor/Chairman Wasserman.

AGENDA
FREMONT CITY COUNCIL REGULAR MEETING
JUNE 8, 2010
COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A
7:00 P.M.

1. PRELIMINARY

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

2. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances
(This permits reading the title only in lieu of reciting the entire text.)*
- 2.2 *Approval of Minutes – None.*
- 2.3 **2010 CAPE SEAL PROJECT 8195-C (PWC) CONTRACT AWARD**
Approval of Plans and Specifications and Award of Contract to the Lowest Responsible Bidder for the City of Fremont 2010 Cape Seal Project, City Project No. 8195-C (PWC).

Contact Person:

Name:	<i>Craig Covert</i>	<i>Norm Hughes</i>
Title:	<i>Associate Civil Engineer</i>	<i>City Engineer</i>
Dept.:	<i>Community Development</i>	<i>Community Development</i>
Phone:	<i>510-494-4785</i>	<i>510-494-4748</i>
E-Mail:	<i>ccover@fremont.gov</i>	<i>nhughes@fremont.gov</i>

RECOMMENDATIONS:

- 1. *Approve the plans and specifications for the 2010 Cape Seal Project, 8195-C (PWC).*
- 2. *Accept the bid and award the construction contract for the 2010 Cape Seal Project, 8195-C (PWC) including alternate bid items No. 1, No. 2, and No. 3, to*

the lowest responsible bidder, Graham Contractors, Inc., in the amount of \$1,170,063.85 and authorize the City Manager or designee to execute the contract.

2.4 FREMONT JAIL BOOKING FEE AND JAIL ACCESS FEE CHANGES

Public Hearing (Published Notice) to Set Fremont Jail Booking Fees Effective July 1, 2010 and Establish a Pro-Rated Partial Booking Fee Retroactive to March 1, 2010. Continuation of Public Hearing (Published Notice) to Consider Proposed Jail Fees to Neighboring Agencies

Contact Person:

Name:	<i>Susan Aro</i>	<i>Craig T. Steckler</i>
Title:	<i>Business Manager</i>	<i>Chief of Police</i>
Dept.:	<i>Police Department</i>	<i>Police Department</i>
Phone:	<i>510-790-6991</i>	<i>510-790-6810</i>
E-Mail:	<i>saro@fremont.gov</i>	<i>csteckler@fremont.gov</i>

RECOMMENDATION: *Adopt a resolution approving the Pro-rated Partial Jail Booking Fee at the Fremont Detention Facility to be \$8.37 retroactive to March 1, 2010, and the Access Fee (Full) to be \$254.90, and the Access Fee (Partial) to be \$180.80, and the Pro-rated (Full) Jail Booking Fee to be \$12.50, and the Pro-rated (Partial) Jail Booking Fee to continue to be \$8.37, effective July 1, 2010, and for these fees to adjust and equal the booking fees charged at the Santa Rita County Jail should they change during Fiscal Year 2010/11, and for neighboring cities to be invoiced for services accordingly.*

2.5 LEASE AGREEMENTS - FAMILY RESOURCE CENTER

Authorize the City Manager to Execute Five-Year Lease Agreements with Alameda County for a Total of 16,277 Square Feet of Office and Common Area Space Located at the Family Resource Center; Accept and Appropriate \$114,174 from Alameda County to 108PWC8729; and Appropriate an Additional \$40,362 from the FRC Capital Reserve to 108PWC8729

Contact Person:

Name:	<i>Randy Sabado</i>	<i>Suzanne Shenfil</i>
Title:	<i>Real Property Manager</i>	<i>Director</i>
Dept.:	<i>Community Development</i>	<i>Human Services</i>
Phone:	<i>510-494-4715</i>	<i>510-574-2051</i>
E-Mail:	<i>rsabado@fremont.gov</i>	<i>sshensfil@fremont.gov</i>

RECOMMENDATION: *Authorize the City Manager or his designee to execute two five-year lease agreements with Alameda County, each with five one-year mutual extension options, for a total of 16,277 square feet of office and common area space located at the Family Resource Center; accept and appropriate \$114,174 from Alameda County to 108PWC8729; and appropriate \$40,362 from the FRC capital reserve to 108PWC8729.*

2.6 *FREMONT LANDSCAPING ASSESSMENT DISTRICT 88*

Public Hearing (Published and Posted Notice) To Conduct A Public Hearing on the Levy of Annual Assessments for Landscaping Assessment District 88; Adoption of a Resolution Confirming Diagrams and Assessments for District 88 for Fiscal Year 2010/11

Contact Person:

<i>Name:</i>	<i>Andrew Russell</i>	<i>Norm Hughes</i>
<i>Title:</i>	<i>Senior Civil Engineer</i>	<i>City Engineer</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4534</i>	<i>510-494-4723</i>
<i>E-Mail:</i>	<i>arussell@fremont.gov</i>	<i>nhughes@fremont.gov</i>

RECOMMENDATIONS: Hearing for Levy of Annual Assessment for Existing Zones in District 88

- 1. Open public hearing.*
- 2. Consider all oral statements and written protests.*
- 3. Close public hearing.*
- 4. Levy the proposed assessment by adopting a resolution confirming Diagrams and Assessments for Fiscal Year 2010/11 for Fremont Landscaping Assessment District 88 Zones 1-17, 19-21 and 23-47 (Exhibit B).*

2.7 *LEARN & PLAY MONTESSORI EXPANSION – 4511 PERALTA BOULEVARD.*

Public Public Hearing (Published Notice) to Consider a Planning Commission Recommendation to Rezone the Property from Planned District P-2005-73(CSPC) to Multi-Family Residence R-3-15(CSPC) and Approve an Amendment to Conditional Use Permit PLN2009-00217 to Allow a 1,382 Square Foot addition to an Existing Preschool and Daycare Facility, and Repeal the Previously Approved Tentative Tract Map 7880 and Finding for Site Plan and Architectural Approval for the Property [PLN2007-00169] (PLN2010-00193)

Contact Person:

<i>Name:</i>	<i>Stephen Kowalski</i>	<i>Jeff Schwob</i>
<i>Title:</i>	<i>Associate Planner</i>	<i>Planning Director</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4532</i>	<i>510-494-4527</i>
<i>E-Mail:</i>	<i>skowalski@fremont.gov</i>	<i>jschwob@fremont.gov</i>

RECOMMENDATION:

- 1. Hold public hearing;*
- 2. Find that the project is categorically exempt from the California Environmental Quality Act per Guideline 15301, Minor Alterations to Existing Structures;*
- 3. Waive full reading and introduce an ordinance rezoning the site from Planned District P-2005-73(CSPC) to Multi-Family Residence R-3-15(CSPC), as shown on PLN2010-00193 Exhibit "C";*
- 4. Find that the proposed amendment to Conditional Use Permit PLN2009-00217 is in conformance with the relevant provisions contained in the City's General*

Plan. These provisions include the designations, goals and policies set forth in the Land Use Chapter of the General Plan as enumerated within the staff report; and

5. *Approve the proposed amendment to Conditional Use Permit PLN2009-00217 as shown in PLN2010-00193 Exhibit "A", based on the findings and subject to the conditions contained in PLN2010-00193 Exhibit "B".*
6. *Direct staff to prepare and the City Clerk publish a summary of the ordinance.*

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

REDEVELOPMENT AGENCY – The Redevelopment Agency Board will convene at this time and take action on the agenda items listed on the Redevelopment Agency Agenda. [See separate agenda](#) (yellow paper).

PUBLIC FINANCING AUTHORITY – None.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. SCHEDULED ITEMS

5.1 SECOND PUBLIC HEARING AND ADOPTION OF FISCAL YEAR 2010/11 OPERATING BUDGET AND APPROPRIATIONS LIMIT

Second Public Hearing (Published Notice, Hearing Continued from June 1, 2010) and Adoption of Fiscal Year 2010/11 Operating Budget and Appropriations Limit, and Revising the Integrated Waste Management Fund Balance and Reserve Policies

Contact Person:

Name:	Catherine Chevalier	Harriet Commons
Title:	Budget & Operations Manager	Director
Dept.:	Finance	Finance
Phone:	510-494-4615	510-284-4010
E-Mail:	cchevalier@fremont.gov	hcommons@fremont.gov

RECOMMENDATION:

1. Hold a public hearing on the operating budget and appropriations limit for FY 2010/11.
2. Adopt a resolution approving the City of Fremont Operating Budget for FY 2010/11.
3. Adopt a resolution creating an appropriations limit of \$491,511,372 for FY 2010/11.
4. Adopt a resolution revising the Integrated Waste Management Fund Balance and Reserve Policies and creating an Integrated Waste Management Vehicle Replacement Reserve.

5.2 AMENDMENT OF SIGN REGULATIONS – CITYWIDE – (PLN2010-00145)

Public Hearing (Published Notice) to Consider a Planning Commission Recommendation to Consider a City-Initiated Zoning Text Amendment to Amend the Fremont Municipal code Title VIII, Chapter 2, Article 21 Sign Regulations Related to Freeway-Oriented Signage in the Industrial Redevelopment Area. A Mitigated Negative Declaration has been Prepared and Circulated for this Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA)

Contact Person:

Name:	Barbara Meerjans	Jeff Schwob
Title:	Senior Planner	Planning Director
Dept.:	Community Development	Community Development
Phone:	510-494-4451	510-494-4527
E-Mail:	bmeerjans@fremont.gov	jschwob@fremont.gov

RECOMMENDATION:

1. Hold public hearing.
2. Adopt Negative Declaration and find this action reflects the independent judgment of the City of Fremont.
3. Find the Zoning Text Amendment is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Fundamental Goals and Local Economy Chapter as enumerated within the staff report.
4. Find the public necessity, convenience and general welfare require the adoption of this Zoning Text Amendment because the proposed amendment is in conformance with current court decisions and explicitly states the intent of the current ordinance.
5. Approve the findings provided in Exhibit "B" based upon the testimony and information provided to City Council.
6. Waive full reading and introduce ordinance to adopt the Zoning Text Amendment, as set forth herein based upon findings in Exhibit "B".

6. REPORT FROM CITY ATTORNEY

6.1 Report Out from Closed Session of Any Final Action

7. OTHER BUSINESS

7.1 APPROPRIATE \$333,000 IN EDA GRANT FUNDS AND \$83,250 IN CITY MATCHING FUNDS FOR NUMMI SITE REUSE AND REVITALIZATION PROJECT

Appropriate Economic Development Administration (EDA) Grant Funds of \$333,000 to the NUMMI Site Reuse and Revitalization Project, City Project No. 8735(PWC), and Appropriate the City's 20 Percent Match of \$83,250 to 501PWC8735 from 501 Capital Improvement Unallocated Fund Balance

Contact Person:

Name:	Maya Williams	Melissa Stevenson Dile
Title:	Management Analyst II	Assistant City Manager
Dept.:	City Manager's Office	City Manager's Office
Phone:	510-284-4013	510-284-4005
E-Mail:	mwilliams@fremont.gov	mdile@fremont.gov

RECOMMENDATION:

1. Appropriate the Economic Development Administration (EDA) grant funds in the amount of \$333,000 to 199PWC8735, NUMMI Site Reuse and Revitalization project.
2. Appropriate the City's 20 percent match of \$83,250 to 501PWC8735 from 501 Capital Improvement unallocated fund balance to the NUMMI Site Reuse and Revitalization project.

7.2 CLIMATE ACTION PLAN

Review and Discussion of Potential Actions for Inclusion in the City's Climate Action Plan

Contact Person:

Name:	Amy Rakley	Dan Schoenholz
Title:	Associate Planner	Policy and Special Projects Manager
Dept.:	Community Development	Community Development
Phone:	510-494-4450	510-494-4438
E-Mail:	arakley@fremont.gov	dschoenholz@fremont.gov

RECOMMENDATION:

1. Council discussion and feedback to staff about continuum of potential actions.
2. Direct staff to return with a Climate Action Plan for Council adoption as part of the General Plan update process.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events

9. ADJOURNMENT



***2.3 2010 CAPE SEAL PROJECT 8195-C (PWC) CONTRACT AWARD**

Approval of Plans and Specifications and Award of Contract to the Lowest Responsible Bidder for the City of Fremont 2010 Cape Seal Project, City Project No. 8195-C (PWC).

Contact Person:

Name:	Craig Covert	Norm Hughes
Title:	Associate Civil Engineer	City Engineer
Dept.:	Community Development	Community Development
Phone:	510-494-4785	510-494-4748
E-Mail:	ccovert@fremont.gov	nhughes@fremont.gov

Executive Summary: The purpose of this report is to recommend that the City Council approve the plans and specifications for the 2010 Cape Seal Project, 8195-C (PWC), accept the bid and award the contract for construction to Graham Contractors, Inc., in the amount of \$1,170,063.85.

BACKGROUND: The City's Engineering and Street Maintenance divisions jointly operate a pavement management system (PMS) that tracks street surface conditions and recommends annual resurfacing and rehabilitation actions for the most economic maintenance of the City's streets. The PMS recommends the following two classes of treatments:

- Preventive maintenance treatments, such as slurry seals, chip seals and cape seals, which improve the pavement surface and extend pavement life at a relatively low cost, and
- Rehabilitation treatments, such as overlays and pavement reconstruction, that restore a worn pavement to full serviceability at a relatively high cost by correcting the unavoidable deterioration of pavements caused by age, truck traffic, sunlight, rain and irrigation water.

This project, 2010 Cape Seal, 8195-C (PWC), will provide preventative maintenance for 84 segments of the City's roads covering approximately 240,000 square yards of pavement surface.

A chip seal involves the application of paving-grade oil to the existing pavement surface followed by a layer of small rock chips, which is rolled and embedded into the oil. A cape seal involves the additional application of a slurry seal – a mixture of emulsified oil and sand – over the chip seal. This final layer seals in the rock chips and provides a relatively smoother and more uniform riding surface. Chip and cape seals are also relatively inexpensive, can slow down the deterioration of a street, and can extend the pavement life when compared to a street left untreated.

For the 2010 Cape Seal project, cape seals will primarily be placed on collector and residential streets located throughout the City. Additional streets to be cape sealed include Capitol Avenue from State Street to Paseo Padre Parkway, and Liberty Street from Walnut Avenue to Capitol Avenue. After the cape sealing is complete, Capitol Avenue will be restriped to provide for back-in diagonal on-street parking on both sides of the street. Liberty Street will be restriped to provide for on-street parking and a bike lane on both sides of the street. The number of travel lanes in each direction will be reduced from two to one.

Traffic Control: Due to the size, scope and number of collector and residential streets included in this project, staff anticipates that residents and the traveling public will experience some inconvenience during construction. To minimize exposure of cars to the asphalt binder and rock chips, staff and the contractor will limit access and use of the roadways during construction. Individual traffic lanes and, if necessary, project street sections will be closed to traffic in order to facilitate crack sealing operations and the application of the cape seals. To mitigate the impact of traffic delays on the public, the contractor must provide definitive traffic control plans. City staff will review and approve all traffic control plans prior to construction and will monitor traffic control work during construction to minimize the impact to the public. Each affected business or residence will also receive a flyer describing the work and parking restrictions at least two weeks before each phase of the work. Follow-up notices will again be distributed no later than two days prior to the start of construction. In addition, the contractor will post notices of parking restrictions on project streets no less than 72 hours before the start of work.

DISCUSSION/ANALYSIS:

Bid Results: Staff opened bids on May 26, 2010, for the 2010 Cape Seal project, 8195-C (PWC). The project's total base bid is for sixty-six (66) street segments. Sixteen (16) additional street segments were included as three alternate bid items. Five bids were received, as follows:

BIDDER	BASE BID	ALT BID 1	ALT BID 2	ALT BID 3	TOTAL BID
Graham Contractors, Inc.	\$931,675.71	\$91,863.93	\$102,994.67	\$43,529.54	\$1,170,063.85
Intermountain Slurry Seal, Inc.	\$988,819.22	\$86,589.48	\$97,290.49	\$39,206.76	\$1,211,905.95
Bond Blacktop, Inc.	\$999,744.10	\$95,019.33	\$106,278.81	\$44,735.66	\$1,245,777.90
International Surfacing Systems	\$1,265,746.58*	\$139,340.82	\$154,193.66	\$62,554.27	\$1,621,835.33
American Asphalt Repair & Resurfacing Co., Inc. **					
Engineer's Estimate	\$1,100,000.00	\$110,000.00	\$120,000.00	\$50,000.00	\$1,380,000.00

*Mathematically corrected bid

** Non-responsive bid due to incomplete alternate bid schedule.

As stated in the project Special Provisions, determination of the low monetary bidder is based on the Base Bid without considering any alternate bid totals. Graham Contractors, Inc., is a responsible bidder with experience in this type of work. Their bid is responsive to the bid specifications and all bid documents are in order.

Based on the bids submitted by Graham Contractors, Inc., staff recommends that City Council add Alternate Bid Items No. 1, No. 2 and No. 3 to the construction contract. As detailed below, there are

sufficient funds budgeted for this project to include Alternate Bid Items No. 1, No. 2 and No. 3 as part of the construction contract.

PROJECT COSTS: The following is an estimate of the project costs:

Staff – Design/Design Administration (450 hours)	\$50,000.00
Construction Cost (Low Bid – Base Bid plus Alternate Bid Items No. 1, No. 2, and No. 3 and includes \$125,000 construction contingency)	\$1,170,063.85
Staff – Roadway Preparation	\$130,000.00
Staff – Construction Inspection and Administration (1000 hours)	\$100,000.00
Project Contingency	<u>\$50,000.00</u>
TOTAL Estimated Construction Costs	\$1,500,063.85

FUNDING: Funding is available for the project, as follows:

Fund 508	ACTIA Measure B, 8195(PWC)	\$410,000.00
Fund 526	Prop 42, 8195(PWC)	<u>\$1,180,000.00</u>
TOTAL Estimated Available Funding		\$1,590,000.00

ENVIRONMENTAL: This project is categorically exempt under Section 15301 (c) of the Guidelines for the California Environmental Quality Act. Staff has filed the notice with the Alameda County Recorder's Office.

ENCLOSURE: [Location map and street list](#)

RECOMMENDATIONS:

1. Approve the plans and specifications for the 2010 Cape Seal Project, 8195-C (PWC).
2. Accept the bid and award the construction contract for the 2010 Cape Seal Project, 8195-C (PWC) including alternate bid items No. 1, No. 2, and No. 3, to the lowest responsible bidder, Graham Contractors, Inc., in the amount of \$1,170,063.85 and authorize the City Manager or designee to execute the contract.

***2.4 FREMONT JAIL BOOKING FEE AND JAIL ACCESS FEE CHANGES**

Public Hearing (Published Notice) to Set Fremont Jail Booking Fees Effective July 1, 2010 and Establish a Pro-Rated Partial Booking Fee Retroactive to March 1, 2010. Continuation of Public Hearing (Published Notice) to Consider Proposed Jail Fees to Neighboring Agencies

Contact Person:

Name:	Susan Aro	Craig T. Steckler
Title:	Business Manager	Chief of Police
Dept.:	Police Department	Police Department
Phone:	510-790-6991	510-790-6810
E-Mail:	saro@fremont.gov	csteckler@fremont.gov

Executive Summary: State law requires cities to use a statutory formula to determine jail booking service fees. The method and formula has changed in each of the last several years. One fee (the Jail Booking Fee), changed again in March of this year. This fee allows agencies to recover the 10% reduction in booking fee reimbursement no longer provided by the State due to reductions in the State Budget. The other, called a Jail Access Fee, is the fee charged for any agency that books prisoners into a specific jail once bookings for certain offenses exceed the average of the three prior years. As an example, Fremont exceeded this three-year threshold the last two fiscal years at the Santa Rita Jail and paid booking fees. Fremont did not invoice neighboring cities for booking fees for the limited specific offenses the last two years, as authorized under the legislation at the time, because activity levels did not exceed the three-year average.

Fremont's share of the State Booking Fee reimbursement last fiscal year was \$225,241. This was a 10% reduction from the prior year. The City is able to charge agencies that book into Fremont's Detention Facility a fee to recover the 10% lost revenue. Actual recovery depends on the number of booking transactions at the Fremont Detention Facility this year by the Newark and Union City Police Departments.

A new fee, called a Pro-rated Partial Booking Fee, became effective on March 1, 2010, and this fee is proposed for retroactivity to this date. Fremont Detention Facility fees effective July 1, 2010, are proposed to be set at rates equal to those charged at the Santa Rita County Jail. Neighboring cities benefit from booking locally to save transportation costs and to keep patrol officers on active street duty instead of transporting prisoners to the Santa Rita facility.

The County jail has advised the City that they do not know if there will be a price difference for the booking fees for the 2010/11 fiscal year. Their finance office is waiting to find out how much money the State is going to allocate for booking fees and will get back to City staff when more definite information is available. Therefore, staff proposes to adopt the same booking fee rates at the Fremont Detention Facility as those charged at the County jail for FY 2010/11.

BACKGROUND: Legislative changes affecting charges for booking fees have occurred over the past several years. Based on the latest legislation, there are four booking fees to consider: Pro-rated Full Booking Fee; Pro-rated Partial Booking Fee; Full Jail Access Fee; and Partial Jail Access Fee.

PRO-RATED FULL BOOKING FEE – To recover the 10% reduction to the State Booking Fee reimbursement imposed by the State in FY 2008/09, Assembly Bill 1805 allows a Jail Booking Fee to be collected. Pro-rated Full Booking Fees are charged when a subject is booked directly into the facility. The 10% Recovery Booking Fee set by the Alameda County Sheriff's Department and used at the Santa Rita Jail facility in Dublin is \$12.50 for a pro-rated full booking. Staff proposes to charge the same \$12.50 fee beginning July 1, 2010, for pro-rated full bookings that are brought into the Fremont Detention Facility by neighboring agencies. This is an increase of 20 cents above the current fee.

PRO-RATED PARTIAL BOOKING FEE – A Pro-rated Partial Booking Fee is charged when a subject is transferred from one facility to another without an intervening court hearing. The County uses the acronym "IREL" (Identified and Released), which refers to a refinement of the Pro-rated Partial Booking Fee. Charging as IRELS became effective March 1, 2010. The proposed fee to be charged at the Fremont Detention Facility is \$8.37, the same fee as at the Santa Rita Jail, retroactive to March 1, 2010. This is a new fee.

FULL JAIL ACCESS FEE – Assembly Bill 1805 also allows a Jail Access Fee to be collected based on an average of the three prior years for non-felony, municipal code and misdemeanor offenses. Exceptions to this include driving under the influence and domestic violence misdemeanor offenses (including enforcement of protective orders by each agency delivering individuals for incarceration). The Jail Access Fee set by the Alameda County Sheriff's Department and used at the Santa Rita Jail facility in Dublin is \$254.90 for a full Jail booking, if and once the three-year average is exceeded. The Fremont Jail Detention Facility Full Jail Access Fee is proposed at \$254.90, the same rate as at the Santa Rita Jail, to begin July 1, 2010. This is an increase of \$7.65 above the current fee.

PARTIAL JAIL ACCESS FEE – A Partial Jail Access Fee is charged when a subject is transferred from one facility to another without an intervening court hearing. The Partial Jail Access Fee set by the Alameda County Sheriff's Department and used at the Santa Rita Jail facility in Dublin is \$180.80. The Fremont Jail Detention Facility Partial Jail Access Fee is proposed at \$180.80, the same rate as at the Santa Rita Jail, to begin July 1, 2010.

DISCUSSION/ANALYSIS: Fremont Detention Facility Jail Booking Fees are set annually and new rates become effective at the beginning of each fiscal year on July 1. Changes to the booking fee legislation and uncertainty about State budget balancing strategies make fee setting challenging. These factors have resulted in lower booking fees over the last several years, and a resulting reduction in booking fee revenue received. For instance, State booking fee reimbursement received for the first three quarters of this fiscal year is substantially lower than anticipated, with no explanation given.

Booking at the Fremont Detention Facility is expedient for Fremont, Newark and Union City. Police Officers can return to active duty sooner than if prisoners are transported to the Santa Rita Jail in Dublin for booking. Aligning the booking fees charged at the Fremont Detention Facility with those charged at the Santa Rita Jail will maximize booking fee revenue to the extent allowed by legislation. If the newly defined Pro-rated Partial Booking Fee [for IRELS] is implemented retroactive to March 1, 2010, then Fremont can bill for these bookings. Setting Fremont Booking Fees to equal those charged at the Santa Rita Jail effective July 1, 2010 through June 30, 2011, would allow automatic adjustment to further legislative changes and State action around booking fee reimbursement.

FISCAL IMPACT: For the first three quarters of this fiscal year, a total of \$130,690 in State booking fee reimbursement was received. At this rate, reimbursement will potentially be less than the \$225,241.25 received last fiscal year. Last year, one payment was received in December 2008. This fiscal year, partial payments are received quarterly.

In prior years, booking fees were funded by the State as part of the State's operating budget. In April 2009, the State legislature increased the Vehicle License Fee (VLF) by 0.15% to fund local public safety programs through FY 2010/11, thus relieving pressure on the State's General Fund. Although this resulted in a dedicated funding source for booking fees, it came at the height of the recession, when new car sales declined, resulting in less VLF revenue generally to cities, and lower dedicated revenues to fund local public safety programs. The first quarter amount of collections Statewide was \$5,680,242, and the second quarter amount was \$6,690,476, for a total of \$12,370,718. Last year, Booking and Processing Fees were funded from the State's General Fund in the amount of \$31,500,000. Half that amount is \$15,750,000, resulting in a difference for the first half of the year of \$3,379,282. Staff cannot predict the amount of revenue that will be collected for the remainder of this fiscal year, but indications are that it will be less than \$15,750,000. This is because funding is collected as a part of the VLF, and VLF revenues continue to lag. Next year's available booking fee reimbursement may mirror the experience of this fiscal year.

The table below summarizes the current and proposed fees by type and effective date.

Booking Fee Description	Current Fee - Fremont	Current Fee – Santa Rita	Fremont Proposed Fee effective 03/01/10	Fremont Proposed Fee effective 07/01/10 ¹
Access Fee - Full	\$247.25	\$254.90	No change	\$254.90
Access Fee - Partial	Not applicable	\$180.80	No change	\$180.80
Pro-rated - Full	\$12.30	\$12.50	No change	\$12.50
Pro-rated - Partial	None (new IREL)	\$8.37	\$8.37	\$8.37

¹ Fremont Booking Fees will adjust in FY 2010/11 to equal the booking rates, should they change, charged at Santa Rita

ENVIRONMENTAL REVIEW: None

ENCLOSURE: [Draft resolution](#)

RECOMMENDATION: Adopt a resolution approving the Pro-rated Partial Jail Booking Fee at the Fremont Detention Facility to be \$8.37 retroactive to March 1, 2010, and the Access Fee (Full) to be \$254.90, and the Access Fee (Partial) to be \$180.80, and the Pro-rated (Full) Jail Booking Fee to be \$12.50, and the Pro-rated (Partial) Jail Booking Fee to continue to be \$8.37, effective July 1, 2010, and for these fees to adjust and equal the booking fees charged at the Santa Rita County Jail should they change during Fiscal Year 2010/11, and for neighboring cities to be invoiced for services accordingly.

***2.5 LEASE AGREEMENTS - FAMILY RESOURCE CENTER**

Authorize the City Manager to Execute Five-Year Lease Agreements with Alameda County for a Total of 16,277 Square Feet of Office and Common Area Space Located at the Family Resource Center; Accept and Appropriate \$114,174 from Alameda County to 108PWC8729; and Appropriate an Additional \$40,362 from the FRC Capital Reserve to 108PWC8729

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Executive Summary: The purpose of this report is to recommend that the City Council authorize the City Manager to execute two five-year lease agreements with Alameda County for a total of 16,277 square feet of office and common area space located at 39155 Liberty Street, Suites C330, F620, D470, H840, G710 and H820. One lease is for Economic Benefits Services provided by the Alameda County Social Services Agency which is adding to its operation by expanding into space previously occupied by SAVE, and the other lease agreement is for space for services provided by other Alameda County programs.

BACKGROUND: The Fremont Family Resource Center (FRC) is an innovative project comprised of 27 non-profit, city, county and state agencies that provide a variety of integrated services including employment, housing, child care, health education and social support.

The City owns two buildings located at 39155 Liberty Street that house the FRC and other leased tenants. Among these leased tenants are the Alameda County Social Services Agency, which includes the Economic Benefits Department and the Adult and Aging Services Department (Veterans Services), and the Alameda County Health Care Services Agency, which includes Public Health, Women Infants and Children (WIC), and Behavioral Health Care Services (Tri-City Community Support Center and Tri-City Children and Youth Services). Alameda County entered into a ten-year lease agreement covering all of these services with the City in 1998, and has been on a month-to-month holdover since 2008. Since then, the City and County have negotiated the terms of a new agreement.

DISCUSSION/ANALYSIS: The economic recession has had a tremendous impact on Alameda County residents with increased unemployment rates, now at 11.9% countywide, and greater demand for social services offered at the FRC. Alameda County agencies have seen such an increase in demand that many of their clients are forced to wait in the hallways. In order to meet these increased demands, the City and County have negotiated the terms of a new five-year agreement with the Alameda County Social Services Agency, which includes an additional 1,630 square feet of office space for its Economic Benefits office, which will require substantial improvements. In the meantime, the County has also requested a new five-year lease covering existing space for other County service programs. To simplify and expedite the process, City staff and the County have negotiated two separate lease agreements: one

agreement covering the Social Services Agency with expanded space, and one agreement for all other County programs.

Social Services Agency Lease: The proposed new lease with the Alameda County Social Services Agency is a five-year lease at a rate of \$2.25 per square foot per month, for approximately 4,867 square feet of office and common area space, for total rent of \$10,952 per month. In addition to the monthly rent, the County will pay approximately \$390.00 per month to cover its pro rata share of the cost of a daytime security guard. The lease also provides for yearly adjustments based upon changes in the consumer price index, and five one-year mutual extension options. The lease includes an additional 1,630 square feet of office space previously leased by Safe Alternatives to Violent Environments (SAVE), which has moved to space provided by Washington Hospital. In order to expand into this area, improvements will need to be made to the space. Staff estimates the cost of these improvements will be \$184,488. Approximately \$29,952 in Community Development Block Grant (CDBG) funds have been appropriated by the City Council for flooring for the proposed Social Services Agency space. The County has agreed to pay \$114,174 toward the improvements, which would need to be appropriated to the project. Staff recommends the use of \$40,362 in FRC capital reserves, which would also need to be appropriated to the project.

Social Service Agency Space Improvement Project Budget

Cost Description	Amount
Construction Costs	\$141,588
Soft Costs	42,900
Total Project Estimate:	\$184,488

Sources	PWC	Amount
CDBG	105PWC8680	\$29,952
Alameda County	108PWC8729	114,174
FRC Capital Reserve	108PWC8729	40,362
Total Sources:		\$184,488

Lease with County for Other Program Space: The second County lease will be for programs offered through the Alameda County Health Care Services Agency, including Veterans Services, Public Health, Women Infant and Children, Tri-City Community Support Center, and Tri-City Children and Youth Services. Staff and the County have negotiated a five-year lease at a rate of \$2.25 per square foot per month, for approximately 11,410 square feet of office and common area space, for a total rent of \$25,673 per month. In addition to the monthly rent, the County will pay approximately \$955.00 per month to cover their pro rata share of the cost of a security guard. The lease also provides for yearly adjustments based upon changes in the consumer price index, and five one-year mutual extension options.

FISCAL IMPACT: Revenues and expenses associated with both of these leases are incorporated in the FRC's 30-year model and are consistent with goal of keeping the FRC financially sustainable. In order to carry out the tenant improvements for the Social Services Agency Space, staff is requesting the Council accept and appropriate \$114,174 from Alameda County to 108PWC8729; and appropriate \$40,362 from the FRC capital reserve to 108PWC8729.

ENVIRONMENTAL REVIEW: Projects supported with CDBG funding are subject to environmental review procedures pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, and implementing regulations set forth in 24 CFR Part 58. The FRC has a current environmental review on file for recent CDBG and CDBG-R funded projects that have taken place on the property and that encompasses the proposed leases and improvements described in this staff report.

ENCLOSURE: None

RECOMMENDATION: Authorize the City Manager or his designee to execute two five-year lease agreements with Alameda County, each with five one-year mutual extension options, for a total of 16,277 square feet of office and common area space located at the Family Resource Center; accept and appropriate \$114,174 from Alameda County to 108PWC8729; and appropriate \$40,362 from the FRC capital reserve to 108PWC8729.

***2.6 FREMONT LANDSCAPING ASSESSMENT DISTRICT 88**

Public Hearing (Published and Posted Notice) To Conduct A Public Hearing on the Levy of Annual Assessments for Landscaping Assessment District 88; Adoption of a Resolution Confirming Diagrams and Assessments for District 88 for Fiscal Year 2010/11

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Executive Summary: Staff recommends that the Council conduct a public hearing to levy the annual assessment for Landscaping Assessment District 88. Each year the City levies annual assessments within Landscaping Assessment District 88 for public landscape maintenance. This District presently consists of forty-seven zones (forty-five of which are active), which are made up of subdivision tracts that were approved by City without homeowners' associations to provide maintenance of public landscaped areas in or adjacent to the tracts. Inclusion of these subdivisions in this Landscape Assessment District covers public landscape areas in and around the subdivisions. The Council began the annual assessment process on April 13, 2010, when it adopted resolutions ordering and approving an Engineer's Report detailing calculations of the annual assessments; declaring an intent to levy and collect the assessments; and setting a public hearing on this date.

BACKGROUND: The City Council formed Fremont Landscaping Assessment District 88 in December 1988. This is a Citywide district and allows the creation of landscape maintenance zones as a condition of approval of individual subdivision maps to ensure ongoing maintenance of public landscaping improvements that are in or adjacent to the subdivisions and that complement their appearance. Each year the City establishes the amount of money needed to maintain the public landscaping for each zone and levies an assessment on each lot in the zone sufficient to pay this amount. Formation of new zones (which begin as separate landscape assessment districts) and annexing them into the citywide District 88 is required when a developer does not form a homeowner's association to maintain public landscaping required as a condition of tract approval. There are no new zones to be formed and annexed into District 88 this year.

Levies of ongoing annual assessments are governed by the Landscaping and Lighting Act of 1972. This Act allows the City to levy and collect assessments for the purpose of funding installation, maintenance, and servicing public landscaping and lighting improvements. The amount of the assessment levied on each parcel of land is based on the special benefit the parcel receives from the improvements. The County collects the assessment with property taxes and transfers the funds to the City.

In addition to the requirements of the Landscaping and Lighting Act of 1972, the City must comply with the requirements of Proposition 218, which was adopted by the voters in November of 1996. Generally, Proposition 218 and its implementing legislation allow property owners to defeat, by majority protest, increases beyond previously established maximum assessments for any zone within the District or the formation of any new assessment district or zone. There are presently forty-seven zones in District 88,

forty-five of which are active. On June 24, 1997, the property owners in the District's then existing Zones 1 through 37 (with the exception of Zones 18 and 22) allowed maximum assessments to be levied. In subsequent years, property owners allowed the formation of Zones 38 through 47 and the levy of maximum assessments for them. These newer zones have been annexed into District 88. Thus, District 88 includes Zones 1 through 17, and 19 through 21, and 23 through 47 (and does not include former Zones 18 and 22, for which property owners established majority protests in 1997). The maximum assessments for each zone and the amount of the proposed levy for the coming fiscal year, are shown in the Engineer's Report, Exhibit A. All proposed assessments are below the maximum assessments approved on or after June 24, 1997.

DISCUSSION:

Hearing for Levy of Annual Assessments for Existing Zones in District 88: In this hearing the City Council must consider public comments regarding the proposed levy of ongoing assessments. Written protests must be accepted up to the conclusion of the hearing. Because assessments are not proposed to be increased beyond the maximums established on or after June 24, 1977, a majority protest cannot defeat the proposed assessment. Notice of this public hearing was given by publication.

Engineer's Report: Each year since the inception of the Landscaping Assessment District, staff has prepared an Engineer's Report and submitted it to the City Council. The City Engineer has prepared the report for fiscal year 2010/11. The Engineer's Report lists for each zone the expected costs (including a reasonable contingency) for the new fiscal year and a carryover cost, i.e., sufficient funds to pay the first six months of maintenance cost because assessments are not collected by the County until property tax bills become due. The assessment also includes the City's and the County's administrative costs in imposing the assessment. The total of these cost items is the gross assessment. A credit is then applied to each zone, which consists of the projected zone balance as of the end of the current fiscal year less a reserve fund. The gross assessment less the credit for each zone is divided among its property owners to establish the annual net assessment for each property.

The reserve fund formula is intended to "smooth" out large increases or decreases in the annual assessments. Use of the reserve fund normally allows decreases in assessments to be limited to 10% and increases limited to 20%. Forty-one zones will be assessed in fiscal year 2010/11. Twenty zones will have the same assessments as fiscal year 2009/10, nine zones will have decreased assessments, and twelve zones will have increased assessments. Of the twelve zones with increased assessments, three zones exceed the 20% goal. In these zones the reserve fund was not sufficient to offset unanticipated maintenance and water costs. The proposed increased assessments are still lower than the maximum annual assessments approved on or after June 24, 1997.

The annual assessments per lot differ considerably among the zones because of differing size and character of landscaped areas and the number of lots in each zone. In previous years the City Council took special action on Zone 2 (nine lots in Tract 5847), Zone 6 (eight lots in Tract 5950), Zone 12 (nine lots in Tract 5558), and Zone 16 (seven lots in Tract 6121) to allow the homeowners in these zones to take responsibility for the landscape maintenance themselves. Council action was not to assess these zones as long as the homeowners properly maintained the landscaping. The homeowners in these four zones are maintaining the landscaping in a satisfactory manner.

Pages 34 through 36 of the Engineer's Report list the previous and proposed assessments for the existing zones.

FISCAL IMPACT: All City costs associated with maintaining and administering the District are covered by the annual assessments. There is no impact to the General Fund.

ENVIRONMENTAL REVIEW: None required.

ENCLOSURES:

- [Exhibit A – Engineer's Report for Fremont Landscaping Assessment District 88, Zones 1 through 47 \(excluding Zones 18 and 22\)](#)
- [Exhibit B – A Resolution of the City Council of the City of Fremont Confirming Diagrams and Assessments for Fiscal Year 2010/11 for Fremont Landscaping Assessment District 88 Zones 1-17, 19-21 and 23-47](#)

RECOMMENDATIONS: Hearing for Levy of Annual Assessment for Existing Zones in District 88

1. Open public hearing.
2. Consider all oral statements and written protests.
3. Close public hearing.
4. Levy the proposed assessment by adopting a resolution confirming Diagrams and Assessments for Fiscal Year 2010/11 for Fremont Landscaping Assessment District 88 Zones 1-17, 19-21 and 23-47 (Exhibit B).

***2.7 LEARN & PLAY MONTESSORI EXPANSION – 4511 PERALTA BOULEVARD. Public Public Hearing (Published Notice) to Consider a Planning Commission Recommendation to Rezone the Property from Planned District P-2005-73(CSPC) to Multi-Family Residence R-3-15(CSPC) and Approve an Amendment to Conditional Use Permit PLN2009-00217 to Allow a 1,382 Square Foot addition to an Existing Preschool and Daycare Facility, and Repeal the Previously Approved Tentative Tract Map 7880 and Finding for Site Plan and Architectural Approval for the Property [PLN2007-00169] (PLN2010-00193)**

Contact Person:

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Executive Summary: The applicant is proposing to construct a 1,382 square foot addition to an existing ±4,200 square foot preschool and daycare facility for up to 120 children, aged 2-6 years. The facility is located in Planned District P-2005-73(CSPC), a zoning district in which the development standards correspond to those of the R-3-15 Multi-Family Residence district. The subject preschool and daycare facility was originally permitted through the approval of Conditional Use Permit PLN2009-00217 by the Planning Commission in June 2009. Because preschools and daycare facilities are permitted in the R-3 district subject to approval of a conditional use permit (CUP), the applicant must obtain approval of a CUP amendment to allow the proposed addition. At staff's request, the applicant is also proposing a rezoning to rescind the Planned District and reestablish a conventional R-3 zoning designation for the site since it is now less likely that the parcel will ever be redeveloped with a multi-family residential project in accordance with the Planned District. Staff and the Planning Commission recommend that the City Council approve the proposed rezoning and CUP Amendment based on the findings and subject to the conditions contained in Exhibit "B", attached.

BACKGROUND:

The subject building was originally constructed in 1965 in accordance with the standards of the parcel's Light Industrial (I-L) zoning designation at the time, and was occupied by various commercial, office, and light industrial uses over the years. On June 8, 2000, the Planning Commission approved a conditional use permit (CUP PLN2000-00259) allowing a religious facility to occupy the site. The building eventually became vacant during which time the I-L zoning district was amended to allow religious facilities subject to approval of a Zoning Administrator Permit instead of a CUP.

On December 14, 2004, as part of Citywide Housing Element Implementation Program #18, the City Council re-designated the property for medium density residential development in the Land Use Chapter of the General Plan, and rezoned the parcel to a Planned District (P-2005-73) consistent with the standards of the R-3-15 Multi-Family Residence zoning district. The Planned District approval included a condition that all future residential projects on the site would require a Finding for Site Plan and Architectural Approval by the Planning Commission.

Shortly thereafter, on February 10, 2006, another religious facility obtained approval of a Zoning Administrator Permit to occupy the building (PLN2006-00184). While this facility occupied the site, the then property owner obtained approval from the Planning Commission of a Tentative Tract Map (Tract Map 7880) and a Finding for Site Plan and Architectural Approval for a 10-unit townhouse development (PLN2007-00169 – Mayvand Crossing). A building permit application was never submitted for this project, however, and in April 2009 staff received a conditional use permit application for a new preschool and daycare facility at the site. On June 25, 2009 the Planning Commission approved Conditional Use Permit PLN2009-00217 allowing a preschool/daycare facility for up to 75 children at the site. The applicant is now proposing to build an addition onto the facility that would enable him to increase the total enrollment to 120 children. The Commission considered the proposal on May 13, 2010 and recommended approval to Council by a unanimous vote of 6-0 (with one Commissioner absent).

DISCUSSION/ANALYSIS:

Project Description: The applicant is proposing to construct a 1,382 square foot single-story addition onto the front of the existing building. The addition will house an additional classroom which would increase the capacity of the facility from 75 children to 120 children. It will extend out 25½ feet from the front of the building, leaving a front yard setback of 20 feet from the front property line. The existing concrete walk will be re-routed alongside the front of the building to provide direct pedestrian access from the sidewalk to the main entrance. No changes will be made to either the playground area behind the building or the parking lot and drive aisle, as the addition will be limited entirely to the front yard of the property.

The architecture of the addition has been designed to give the building a more contemporary appearance, with stucco siding, a hip roof element over the façade, and a new straight parapet with crown molding.

General Plan Conformance: The General Plan land use designation for the site is Medium Density Residential, 11-15 dwelling units per acre. This land use designation is intended to provide for small-lot attached or detached single-family residential developments such as townhouses or zero lot line units, while also allowing for uses that are compatible with such development. Examples of such uses include schools, community centers, and religious facilities that are designed in a way so as not to impact the surrounding residential neighborhood. Staff believes that allowing the proposed addition to the preschool and daycare facility would remain consistent with the General Plan in that it would still conform to the following goals and policies contained in the Land Use chapter:

Land Use Goal 8 – *Provision and enhancement of day care services through a partnership of all sectors of the community.*

Land Use Policy 1.1 – *Schools, Childcare Centers, Public and Semi-Public Facilities (e.g., churches) and Nursing Care Facilities...may be allowed [in areas designated Residential in the General Plan], although conditions may be established to limit the impacts of these uses on residents.*

The intent behind Land Use Policy 1.1 is to allow for family-oriented and child-oriented land uses such as schools, parks and childcare services to locate within residential neighborhoods for the convenience of families and parents of school-aged children. The General Plan recognizes the importance of allowing such uses to locate in residential areas as a means of establishing well-rounded neighborhoods,

provided they do not have an adverse impact on the neighboring residents. In this case the site exceeds the on-site parking requirements for a preschool/daycare facility, and there is additional on-street parking available along the street in front of the property. Therefore, vehicular traffic from parents and staff coming and going from the site should not be noticeable to the adjacent properties or significantly impact traffic along Peralta Boulevard. In addition, its location in proximity to numerous residential neighborhoods in the Centerville area make the site convenient for parents who need to drop off and pick up their children while commuting to and from work and those who are able to walk to the site with their children.

Land Use Goal #8 clearly states that the provision of day care services is recognized as an important citywide goal. In this case, the facility already operates in an area where the City envisions future residential growth, so allowing increased capacity at the site will enable the applicant to accommodate increases in demand that may accompany future growth in the surrounding neighborhood. As such, for these reasons it is staff's opinion that the proposal is consistent with the goals and policies of the General Plan.

Zoning Compliance: The project site is located within Planned District P-2005-73(CSPC), a planned district employing the provisions of the R-3-15 zoning district. Planned District P-2005-73(CSPC) was established to facilitate the provision of additional residential development in the area as part of the Citywide Housing Element Implementation Program #18. Under FMC Section 8-2751.3, preschools and daycare facilities are permitted in R-3 zoning districts subject to approval of a conditional use permit. Because it will result in a significant increase in student enrollment at the site, the proposed addition requires approval of an amendment to the original CUP that the applicant obtained to open the preschool and daycare facility in June 2009.

Building/Site Design: The following table depicts how the proposed addition complies with the basic development standards of the R-3 zoning district.

<i>Development Feature</i>	<i>R-3-15 Standard</i>	<i>Proposed</i>	<i>Degree of Compliance</i>
Building height	52 feet	16 feet	complies
Front setback	20 feet	20 feet	complies
Side setbacks	Left side: 10 feet; Right side: 10 feet	Left side: 55 feet; Right side: 5 feet	Left side complies; Right side continues existing non-conformity by 5 feet (see below)
Rear setback	10 feet	100 feet	complies
Lot Coverage	50%	21.6%	complies

As shown on the table, the addition will comply with all applicable R-3 zoning standards with the exception of the right side yard setback the existing structure is currently 5 feet from the right side yard property line. The proposal is to extend this wall the length of the addition. However, the right side of the property abuts a 15-foot wide public utility easement and a 20-foot wide "flagpole"-shaped portion

of the adjacent lot which also doubles as an access easement that serves a landlocked industrial property located behind the subject site which was also rezoned for medium density residential development through the adoption of Planned District P-2005-73(CSPC). The combination of the PUE and flagpole/access easement total some 35 feet of easements along the subject parcel's right property line. If the landlocked industrial property is ever to be redeveloped with residential development, the access easement will have to be maintained since it provides the only means of access to the property from the public street. R-3 zoning allows for flexibility in setback standards wherein the basic intent of the setback can be met. In this case, allowing the addition to conform to the existing 5-foot side setback is logical and will still achieve the intent of the setback requirement because the flagpole-shaped portion of the adjacent lot will have to remain undeveloped indefinitely in order to serve as an access easement for the landlocked parcel.

Parking: The subject property currently contains 23 on-site parking spaces. Under FMC Section 8-22003 [Required Parking Spaces by Type of Use], parking requirements are calculated based on the proposed land use, as follows:

<i>Land Use Type</i>	<i>Parking Ratio/Standard</i>	<i># of Occupants</i>	<i>Required Spaces</i>
Child Care Facilities/ Nursery Schools	3 spaces, plus 1 for each 10 children over a capacity of 15	120 children	13.5 (fractions are rounded up)
Total Required Parking:			14 spaces
Available Parking:			23 spaces

As the above table shows, the site will still have a surplus of 9 parking spaces with construction of the proposed addition. In addition to this surplus, there is also on-street parking available along Peralta Boulevard directly in front of the site.

Rezoning: Per FMC Section 8-23105, in order to approve an amendment to the Zoning Map (i.e., a rezoning) the City Council must make the following two findings:

The proposed amendment 1) conforms with the General Plan; and 2) would not be detrimental to public necessity, convenience, and general welfare.

Discussion:

- (1) Conformance with the General Plan: The proposed rezoning conforms to the General Plan in that it will still allow medium density residential development on the property consistent with the density range prescribed by the Land Use Chapter of the General Plan should the property owner decide to propose such development in the future. In the mean time, it will provide additional preschool and daycare capacity for Fremont residents who require such services at a convenient location in proximity to many of Centerville's residential neighborhoods and sites that have been designated for future residential development.
- (2) Public necessity, convenience and general welfare: At the present time, the subject property will not be redeveloped with a residential development in accordance with the previously approved

Finding for Site Plan and Architectural Approval for the Mayvand Crossing project (PLN2007-00169). As such, planning staff recommends that the property be rezoned from the Planned District back to an R-3 zoning designation. The underlying zoning of Planned District P-2005-73(CSPC) is R-3-15, so reverting the zoning back to this designation will prevent any confusion and facilitate the future redevelopment of the site with medium density residential development should a residential developer pursue this site at a later date and the current owner be willing to sell it.

Conditional Use Permit Amendment: Under FMC Section 8-22509, the decision-making body must make the following findings in order to approve an amendment to a previously-approved conditional use permit:

- (a) The proposed use is consistent with the General Plan;
- (b) The site is suitable and adequate for the proposed use;
- (c) The proposed use and design would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services;
- (d) The proposed use would not have a substantial adverse economic effect on nearby uses;
- (e) The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood, or the community at large; and
- (f) The project will comply with the provisions of Article 27 of the Zoning Ordinance (Site Plan and Architectural Approval).

Discussion:

- (a) General Plan Consistency: As discussed in the General Plan Conformance Analysis section above, the proposed addition would be consistent with the General Plan's policy to allow family- and child-oriented uses such as schools and daycare facilities within residential districts subject to conditions designed to ensure that they do not have a negative impact on the neighborhood. An enlarged preschool and daycare facility at the subject site would continue to provide a convenient service for parents with young children who need such services, while not adversely impacting the surrounding neighborhood. The site will still have enough parking to accommodate the additional capacity, the addition will comply with all of the development standards of the proposed zoning, and the hours of operation will remain the same.
- (b) Site suitability and adequacy: The project site is well suited for the proposed use in that it is located in close proximity to many of Centerville's residential neighborhoods and to land that is zoned for future residential development. Furthermore, there will still be more than enough parking on site for the proposed use and there is parallel on-street parking directly in front of the site in the event that a large number of parents arrive simultaneously. In addition, the building currently has large enough setbacks to accommodate the proposed addition and still be able to meet the intent of the required setbacks of the R-3 zoning district. Finally, the building is capable

of being modified to meet all of the applicable Building and Fire/Life Safety upgrades that will be required to accommodate the proposed increase in student enrollment.

- (c) Impact on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services: The proposed addition would result in an increase in total enrollment from 75 children to 120 children. The proposed enrollment increase is estimated to generate an additional 37 vehicle trips during the PM peak hour and 202 trips per weekday. This would result in a 4.5% increase in trips along Peralta Boulevard during the PM peak hour trips and a 2.4% increase in total weekday trips beyond the current numbers generated by the preschool/daycare facility. According to the City's Transportation Engineering Division, Peralta Boulevard currently experiences little congestion during the PM peak period when the road network is at its busiest; therefore the additional trips generated by the proposed increase in enrollment will not result in a significant increase in congestion on the adjacent roadway network.

The proposed addition will increase the required number of on-site parking spaces to fourteen (14). The site currently contains 23 spaces, or nine (9) more than is required by the Municipal Code. In addition to this surplus, there is also on-street parking directly in front of the property in case the on-site lot becomes full if a large number of parents arrive at the site simultaneously. The proposal will also not impact pedestrian or bicycle safety or transit accessibility in that it will not change existing sidewalk or bicycle lane configurations or result in the removal or relocation of any existing transit stops adjacent to the site.

- (d) Economic impact on nearby uses: Impact on other similar facilities nearby should be negligible in that the only other preschool in close proximity is located at a nearby church, and that facility will most likely continue to be patronized by parents who belong to the church. Parents who send their children to the proposed facility would be those who specifically want to enroll their children in a Montessori facility. Despite the increase in capacity that will result from the proposed addition, noise impacts from the project should not have a significant impact on adjacent property values in that the playground will not be enlarged, so the number of children playing outdoors at any given time will remain the same as the current levels.
- (e) Impact to the general welfare of persons residing in the immediate vicinity, the neighborhood, or the community at large: The proposed addition will give the facility a maximum capacity of up to 120 children aged 2-6 years. The business hours of the school will remain the same from 7:00 AM to 6:00 PM Monday through Friday so that parents may drop off and pick up their children on their way to and from work or during the midday only, with no late evening or weekend service.
- (f) Compliance with Article 27 of the Zoning Ordinance: If the decision-making body chooses to approve the CUP amendment, then the applicant will be required to implement building, fire safety and minor site improvements in accordance with the current codes governing educational/assembly uses. Building permit approval for these upgrades will result in the project complying with Article 27 of the Zoning Code.

Based on staff's analysis of the application, all of the findings prescribed by Section 8-22509 can be made in support of the proposed project. As such, staff recommends that Council approve the project based on the findings and subject to the conditions contained in Exhibit "B".

Planning Commission Action: On May 13, 2010, the Planning Commission considered the item and voted unanimously to recommended approval to City Council (6-0 vote with one Commissioner absent).

FISCAL IMPACT:

The additional square footage being added to the facility will be subject to Citywide Development Impact Fees. These include fees for fire protection, capital facilities, and traffic facilities. All applicable fees shall be calculated and paid at the fee rates in effect at the time of building permit issuance for the proposed addition.

ENVIRONMENTAL REVIEW:

This project is exempt from the California Environmental Quality Act pursuant to Guideline 15301, Minor Additions to Existing Structures.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is required for the entitlements being requested. A total of 901 hearing notices were mailed to the owners and occupants of all property located within 1,000 feet of the project site on Thursday, May 27, 2010. A Public Hearing Notice was also published in *The Tri-City Voice* on Wednesday, May 26, 2010.

ENCLOSURES:

- [Draft Ordinance](#)
- [PLN2010-00193 Exhibit "A" – Project Plans \(Site/Landscape Plans, Floor Plan, Building Elevations\)](#)
- [PLN2010-00193 Exhibit "B" – \(Recommended\) Findings and Conditions of Approval](#)
- [PLN2010-00193 Exhibit "C" – Rezoning \(Zoning Map Section\)](#)

Informational Items:

- [1 – Business Plan prepared by Applicant](#)
- [2 – Project Summary Data](#)

RECOMMENDATION:

1. Hold public hearing;
2. Find that the project is categorically exempt from the California Environmental Quality Act per Guideline 15301, Minor Alterations to Existing Structures;
3. Waive full reading and introduce an ordinance rezoning the site from Planned District P-2005-73(CSPC) to Multi-Family Residence R-3-15(CSPC), as shown on PLN2010-00193 Exhibit "C";
4. Find that the proposed amendment to Conditional Use Permit PLN2009-00217 is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the Land Use Chapter of the General Plan as enumerated within the staff report; and

5. Approve the proposed amendment to Conditional Use Permit PLN2009-00217 as shown in PLN2010-00193 Exhibit “A”, based on the findings and subject to the conditions contained in PLN2010-00193 Exhibit “B”.
6. Direct staff to prepare and the City Clerk publish a summary of the ordinance.

5.1 SECOND PUBLIC HEARING AND ADOPTION OF FISCAL YEAR 2010/11 OPERATING BUDGET AND APPROPRIATIONS LIMIT
Second Public Hearing (Published Notice, Hearing Continued from June 1, 2010) and Adoption of Fiscal Year 2010/11 Operating Budget and Appropriations Limit, and Revising the Integrated Waste Management Fund Balance and Reserve Policies

Contact Person:

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Title:	Budget & Operations Manager	Director
Dept.:	Finance	Finance
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Executive Summary: The proposed operating budget identifies total appropriations, including all funds, for Fiscal Year (FY) 2010/11 in the amount of \$238,971,000. The General Fund portion of the total is \$134,578,000. The appropriations limit (also known as the Gann Limit, and which applies only to the General Fund) for FY 2010/11 is \$491,511,372. This report provides an overview of the FY 2010/11 operating budget and describes the methodology for calculating the appropriations limit. The first public hearing on the budget was held on June 1, 2010. Staff recommends that the City Council hold the second public hearing and adopt resolutions approving both the operating budget and the appropriations limit for FY 2010/11. Staff also recommends that the City Council adopt a resolution revising the Integrated Waste Management Fund Balance and Reserve Policies and creating a new Integrated Waste Management Vehicle Replacement Reserve.

BACKGROUND: Staff presented the proposed FY 2010/11 operating budget to the City Council during a televised City Council work session on May 18, 2010. The City Council held a public hearing on the proposed budget on June 1, 2010. The budget identifies total appropriations, including all funds, for FY 2010/11 in the amount of \$238,971,000. The General Fund portion of the total is \$134,578,000. The “Discussion of the FY 2010/11 Operating Budget” section below provides an overview of the FY 2010/11 operating budget.

In addition, staff has calculated the appropriations limit, in accordance with Article XIII B of the California State Constitution, commonly referred to as the Gann Limit. Using information on population and per capita personal income growth from the State Department of Finance, as well as information on new non-residential construction assessed valuation from the County of Alameda, the appropriations limit for FY 2010/11 is calculated to be \$491,511,372. Based on the proposed General Fund operating budget of \$134,578,000, the City is not at risk of exceeding the appropriations limit. The “Discussion of the FY 2010/11 Appropriations Limit” section below describes the methodology for calculating the appropriations limit.

DISCUSSION OF THE FY 2010/11 OPERATING BUDGET: The following information is from the Budget Overview section of the proposed budget document. It sets the context for the proposed budget by describing the opportunities and challenges the City will address and the major initiatives underway. It also summarizes the budget strategies proposed for FY 2010/11.

These continue to be unsettled times for the City of Fremont. The prolonged and unusually deep recession gripping the country has reduced both our current revenues and our projected revenues dramatically. California's state budget remains in crisis, and the State's economic recovery is expected to lag the nation. The recent closure of the New United Motor Manufacturing, Inc. (NUMMI) plant will have repercussions that have yet to be quantified, as does the recent announcement that Tesla Motors and Toyota Motor Corporation intend to cooperate on the development of electric vehicles at the former NUMMI facility. In spite of these significant challenges, City staff has prepared a balanced budget for the City Council's consideration.

The nation continues to struggle in the midst of a severe recession and unprecedented high levels of unemployment. Virtually every major industry has suffered losses. The broadest measure of productivity in the United States, gross domestic product, contracted for four consecutive quarters between the third quarter of 2008 and the second quarter of 2009. Such shrinkage in gross domestic product has not occurred since the late 1970s. But reason for cautious optimism at the national level is starting to emerge. The past three quarters, through the first quarter of 2010, have seen growth ranging from 2.2% to 5.6%. Much of this growth has come from a rebuilding of inventories, and personal consumption of goods and services. As it often does, California led the way into this economic abyss, and recovery here may be slower than in other parts of the country. Unemployment continues to be at an all-time high – and significantly higher than the national unemployment rate. The local situation is exacerbated by the closure of the NUMMI automobile plant on April 1, 2010, which resulted in the loss of 4,700 jobs locally, and 15,000 jobs in the region. These grim economic shocks have rocked the local economy and, not unexpectedly, they are affecting the City's budget.

Declines in construction and consumer spending have yet again thwarted the State of California's attempt to fashion a sustainable business model. The State is facing yet another budget shortfall due to fundamental problems with the State's budget system. Like many cities in California, Fremont continues to face a volatile and uncertain economic future and remains cautious because of concerns about economic performance and the possibility of more State takeaways of local revenue. There is also a lack of consensus among economists as to whether the recession has ended. According to the UCLA Anderson Forecast a year ago, "2009 is still rather gloomy for the East Bay economy, with the expectation of turnaround at year's end." This year, the UCLA Anderson Forecast states, "Our anticipation of the recovery taking hold and net job gain by the end of the first quarter [of 2010] has not materialized and the East Bay economy, while not stalled, is not moving noticeably either."

At the State level, the UCLA Anderson Forecast notes that, "California's unemployment rate continues to rise, while local governments continue to shed jobs. The outlook for the balance of 2010 is for little or no growth in the State, with the economy picking up speed slightly by the beginning of next year. More normal growth rates for California should be in place by the middle of 2011." In comparison, the State Department of Finance's outlook for the California economy is for modest growth in 2010, followed by moderate growth in 2011 and good growth in 2012. These economic forecasts do not bode well for the revenues of California governments for the coming fiscal year, but do provide a note of very cautious optimism for the following fiscal year.

City finances, and the community services that depend on those resources, are severely strained both by the current recession and by years of State takeaways of traditionally local revenues. The revenue takeaways started in the early 1990s with ongoing shifts of local property taxes to the Education

Revenue Augmentation Fund (ERAF). Since then, Fremont has lost over \$157.7 million to ERAF, and this amount continues to grow by roughly \$13.7 million a year. These losses are partially offset by increased Proposition 172 sales tax and COPS funding for law enforcement, resulting in a net annual loss for Fremont of \$12 million and a net cumulative loss for Fremont of \$133.7 million.

The City met previous difficult times by reducing spending throughout the organization and by focusing on attracting and retaining retail businesses to increase revenue. Staff has been vigilant and disciplined over the past several years, reducing staffing to a point of marginal service delivery. Because we were proactive, the City has been able to face yet another economic downturn and the prospect of still more State takeaways with effective options, rather than being forced to merely react. In December 2007, we began a belt-tightening strategy that helped soften the impact of the more significant reductions we had to make in FY 2009/10. A dollar saved today is one we won't have to cut in the future, and the organization has taken that to heart. Even so, some very difficult cuts and service reductions have been necessary to make sure we continue to live within our means.

Total budgeted resources in the coming fiscal year will be adequate to support total budgeted expenditures of \$134.6 million, so the budget is considered to be balanced. The FY 2010/11 budget also maintains the City Council's long-standing funding priorities by allocating over three-quarters of the budget to direct costs for public safety and maintenance. The share of General Fund resources budgeted for these purposes is actually 92% when overhead costs required to support these functions are allocated. The FY 2010/11 budget continues most of the service reductions implemented since FY 2002/03, and the further reductions made in the FY 2009/10 budget. The FY 2010/11 budget is 0.8% less than last year's adopted budget.

Property tax and sales tax are the City's most significant revenue sources. Despite the decline in other major revenues since the peak year of FY 2000/01, property tax revenues have only recently begun to decline. The City's FY 2010/11 property tax revenues are based on assessed property values as of January 1, 2010. The extremely vigorous real estate market sales activity of the past few years has slowed dramatically in Fremont, resulting in lower property transfer tax revenue. In addition to falling sales prices in FY 2009/10, the County Assessor also experienced significantly increased valuation appeals activity. The focus for appeals for FY 2009/10 was on residential property, while the focus in FY 2010/11 is on non-residential property. The impacts of the NUMMI plant closure likely will not be reflected on the property tax rolls until FY 2011/12, and the effects of the recent announcement that Tesla Motors and Toyota Motor Corporation intend to cooperate on the development of electric vehicles at the former NUMMI facility cannot be quantified at this time. Finally, for the first time since the passage of Proposition 13 in 1978, the inflationary adjustment to assessed values permitted by Proposition 13 was a negative 0.27%. Therefore, property tax revenues are projected to decline in FY 2010/11 by 0.9%, to \$61.2 million.

In contrast to the generally consistent property tax trend, sales tax trends are emblematic of the City's broader revenue volatility. After reaching a high point of \$33.2 million in FY 2000/01, sales tax revenues endured a multi-year decline to a low point of \$26.8 million in FY 2003/04. The steep drop was caused by the collapse of the Silicon Valley technology market and Fremont's reliance on sales tax from high-tech manufacturers. Since that time, sales tax from the high-tech and biotech sectors now appears to be stabilizing, and City efforts to diversify and strengthen our sales tax base by increasing the consumer retail sales and auto sales tax bases also have been a big help.

Unfortunately, the consumer spending collapse, fueled by rising unemployment, foreclosed homes, and a sense of consumer panic following the financial market melt-down that occurred in September and October 2008, continues to take a toll on our sales tax revenues. As a result, we expect to see an 18.2% decline in our sales tax revenue in FY 2009/10, followed by a 7.4% increase in FY 2010/11, to \$27.8 million. The wide swings in sales tax are attributable to the “triple flip” portion of our sales tax. In FY 2009/10, the State determined that all cities had received more “triple flip” property tax replacement in the past than they should have, and this overpayment was corrected in FY 2009/10. As a result, both the FY 2009/10 sales tax decline and the FY 2010/11 sales tax increase are overstated. When the “triple flip” portion is omitted from total sales tax, actual sales tax revenue is expected to decrease by 9.4% in FY 2009/10, and increase by 3% in FY 2010/11.

In FY 2009/10, the City is expecting to use \$8.4 million from the Budget Uncertainty Reserve (up from the \$3.6 million anticipated at the time the FY 2009/10 budget was adopted in June 2009). In FY 2010/11, the remaining \$7.7 million of the Budget Uncertainty Reserve will be needed to balance the budget, completely depleting this reserve.

Based on all the data we have at this time and economic forecasts from a range of sources, we are making the following key assumptions for the FY 2010/11 budget:

1. Because we continue to see mixed signals about the timing of economic recovery, a combination of one-time budget reductions and deferrals is proposed as a bridging strategy in FY 2010/11, resulting in a budget that is only 1.9% more than estimated actual expenditures the year before. When compared to the FY 2009/10 adopted budget, there is actually an expenditure decrease of 0.8%.
2. The local economy will generally hold steady during FY 2010/11, resulting in total General Fund resources (revenues and transfers in) increasing by 2.4% over estimated actual resources in FY 2009/10. This is in contrast to the more typical growth experienced in prior years of at least 4%.
3. After a review of capital projects, \$2.3 million was identified for projects that can be deferred to a later date. This amount will be transferred to the Budget Uncertainty Reserve, bringing the balance of this Reserve to \$7.7 million, and all of it is anticipated to be used to balance the FY 2010/11 budget.
4. The costs of the FY 2010/11 budget will exceed projected resources, requiring the use of the remainder of the City’s Budget Uncertainty Reserve to balance the budget.
5. Recent economic reports have been erratic and contradictory, and the unresolved State budget situation continues to be a threat, which means that this budget may be considered “provisional” in nature, with additional modifications perhaps needed during FY 2010/11.
6. No specific provision is made for future State takeaways in the proposed budget. However, the City will be ready to respond to any such occurrences confirmed by State legislative action when the amount and timing are known, and we will return to Council as needed.
7. Total expenditures in the FY 2010/11 budget include a savings assumption of \$1.5 million (approximately 1% of total budgeted expenditures and transfers out in FY 2010/11) to compensate for the historical tendency to under-spend total resources allocated.
8. The FY 2010/11 budget does not include any prefunding of the City’s other post-employment benefit (OPEB) liabilities, nor does it include any contribution to capital projects. Funding for these items will not be included in the budget until such time as the economic situation has stabilized and sufficient resources are once again available.

9. The General Fund's primary reserves, which total 12.5% of total expenditures and transfers out, will remain intact for FY 2010/11. However, \$7.7 million from the Budget Uncertainty Reserve will be spent, with the result that this reserve will be totally depleted at the end of FY 2010/11.

Impact of State's Financial Condition: The instability of the State budget continues to be a real threat to local governments, including Fremont. Proposition 1A of 2004 provides that the State can borrow 8% of local property taxes no more frequently than twice every 10 years, and the second time only if the first borrowing has been repaid. Each borrowing must be repaid within three years, with interest. The 8% amount is actually measured at the county level, and may be distributed among local agencies in any manner, so long as the total 8% at the countywide level is remitted to the State. That allocation methodology is determined at the time of each borrowing. As a result, Fremont's share could actually be more or less than 8%.

In FY 2009/10, the State declared "significant financial hardship" and borrowed 8% of property tax revenues from cities, counties and special districts. For Fremont, the amount of this loan was \$5.6 million, to be repaid with 2% simple interest by no later than June 30, 2013. In October 2009, the City Council approved Fremont's participation in the Property Tax Securitization Program offered by the California Statewide Communities Development Authority (CSCDA). As part of this program, the City signed over its property tax receivable to CSCDA, which in turn used those receivables from a number of local agencies to secure bonds it sold in November 2009. The proceeds of the bonds were disbursed to participating local agencies to coincide with property tax payment dates by the counties. By no later than June 30, 2013, the State will repay its loans to CSCDA, rather than to the local agencies participating in the securitization program, for disbursement to the bondholders. The State cannot invoke the provisions of Proposition 1A again until FY 2013/14.

In late February 2009, the State adopted a revised FY 2008/09 budget and a budget for FY 2009/10. The relative value of the package of solutions for the 18-month period ending June 30, 2010, is as follows:

Tax increases and other revenues	\$12.7 billion
Spending reductions and fund shifts	22.6 billion
Borrowing	<u>5.4 billion</u>
Value of total package	\$40.7 billion

Among the tax increases are a 1% increase in sales tax through FY 2011/12, an increase in the vehicle license fee (VLF) to 1% through FY 2011/12, and a further increase in the VLF of 0.15% for local public safety programs through FY 2010/11.

Even with the adoption of the FY 2009/10 budget package, the State still faces roughly \$20 billion in annual budget shortfalls in the coming years, for a number of reasons. First, the State's economic recovery from the recession is expected to be relatively slow. In addition, many of the solutions adopted as part of the FY 2009/10 budget are short-term in nature – meaning they will not help balance the budget in future years. Consequently, based on current projections, the State will need to adopt billions of dollars in additional spending reductions, tax increases, or other solutions in the coming years. Any

budget proposal requires a two-thirds vote of both houses of the State Legislature and the Governor's signature in order to take effect.

On May 14, 2010, the Governor issued his revised budget proposal (often referred to as the "May Revise"). Because of continuing revenue shortfalls and expenditure savings that have not materialized, the State expects to have a \$19.1 billion deficit to resolve. The "May Revise" includes \$19.1 billion of solutions. Program spending reductions make up two-thirds of the solutions proposed by the Governor, including significant reductions in social services programs. The balance is made up of federal assistance, borrowing and funding shifts, and new revenues. The Legislature's initial reaction to this proposal has not been positive.

One additional worrisome possibility is that of additional "takes" from redevelopment agencies. Although the initial attempt, as part of the State's FY 2008/09 budget, was ruled unconstitutional by the courts, the Legislature was not deterred and made another attempt in FY 2009/10, with changes intended to correct the constitutional flaws in the first attempt.

The California Redevelopment Association (CRA) again challenged the State's attempt to take revenues from redevelopment agencies in FY 2009/10. However, this time the ruling was in the State's favor. Although an appeal has been filed, the FY 2009/10 payment must be made. The Fremont Redevelopment Agency made its \$10.9 million payment on time and under protest, pending the outcome of the appeal. A second payment of \$2.3 million will be due in FY 2010/11. Given the State's initial survival of the legal challenge of this budget-balancing tactic, cities and redevelopment agencies are justifiably concerned that additional "takes" may be on the horizon. We concur with CRA Executive Director John Shirey's comment that "siphoning redevelopment funds away in this tough economy is short-sighted and bad policy. Redevelopment stimulates billions of dollars in economic activity and supports thousands of jobs, which is exactly what we need right now to boost California's sagging economy."

State constitutional provisions and State laws approved by the voters limit the State's budget flexibility in solving structural deficits. Voters have "locked in" an increasing share of budgeted expenditures without increasing revenues. Such voter-approved funding commitments are often contradictory but, even worse, they reduce the State's flexibility needed to deal with changing budget circumstances. All of these factors, combined with the need for a two-thirds vote in each house of the Legislature to approve a budget, make it especially difficult for the Governor and the Legislature to reach agreement on the State's budget.

Operational Impacts and Challenges: As the depth and nature of the current crisis have become clearer, the City began the process of significantly re-evaluating the services provided to the community. City services are provided by employees, and financial instability impacts City staff. Several years ago, the City cut costs by more than 25% and reduced staff by more than 220 positions (144.78 full-time equivalent positions [FTEs] held by 165 people, plus 59 temporary workers). These severe reductions in FY 2002/03 created critical public safety and maintenance issues and have hampered our ability to provide optimal administrative support to frontline operations.

The prolonged recession and continuing concern about how the State will deal with its own budget gap mean that we do not have the resources to staff all of our remaining authorized positions throughout the

City. Eleven vacant positions in several departments were frozen in FY 2007/08, and those positions were subsequently eliminated in the FY 2009/10 budget. In addition, all departments were directed to reduce their budgets by 1% in December 2007, and that savings target was carried forward and made permanent in the FY 2009/10 operating budget.

As the global financial crisis unfolded in FY 2008/09, it became increasingly apparent that more drastic budget reductions would be needed in order to live within our means. To that end, public safety departments were asked to reduce their budgets by 5% and all other departments were asked to make 10% reductions. Because of declining development activity, Community Development took a reduction of 20% in costs funded by developer fees.

These budget reductions resulted in additional staffing reductions in FY 2009/10. The total authorized staffing citywide decreased from 919.975 FTEs in FY 2008/09 to 846.000 FTEs in FY 2009/10, a decrease of 73.975 FTEs (8%), in addition to the elimination of 29 temporary workers. These position reductions affected all City departments. Regular staffing is down 18% since FY 2002/03, and temporary staffing has been reduced significantly, as well. Although these actions were necessary to help balance the budget, staffing levels for the most basic services – public safety and maintenance – are at their lowest level in almost 20 years when viewed in relation to Fremont’s population. The total City workforce now consists of 3.9 FTEs per 1,000 residents, one of the lowest staffing levels in Alameda County.

We believe the reductions made in FY 2009/10 have shrunk the organization to a sustainable level. However, because of the erratic and often contradictory economic news, it now appears that some additional reductions are necessary for FY 2010/11. We are proposing a balanced combination of a variety of one-time bridging strategies for the fiscal year.

In addition to the staffing reductions already implemented, we will freeze and not fund five additional positions, resulting in \$700,000 of anticipated savings. General Fund contributions to the Development and Recreation cost centers will be reduced by \$300,000 each, and fund balance in the amount of \$300,000 each will be transferred in from the Information Technology Services fund and the Vehicle Replacement fund. A review of capital projects resulted in the identification of \$2.3 million in projects that can be deferred to a future date, and this money will be transferred into the Budget Uncertainty Reserve, for use in balancing the FY 2010/11 budget. Finally, there is \$1.8 million in budget balancing strategies that have not yet been identified. This will be a priority, as we head into FY 2010/11, to identify and implement these additional strategies. All of these items take a toll on the organization and our ability to provide services internally and to the community. However, they also result in a balanced budget for FY 2010/11.

This level of budget reductions will continue to have a noticeable impact on the community. There are some services we simply will not be able to provide. During FY 2009/10, the organization increased its focus on “resetting” services and service levels, rather than trying to hold on until such time as services can be restored. Local government everywhere is faced with a new reality in the face of shrunken resources. We are no longer doing more with less; we are doing less with less! It is essential that we reset our expectations about types of services we will provide, service levels, and priorities. This will be an ongoing effort for the foreseeable future.

Even as we struggle to provide services to the community, we face another challenge in the increasing cost of maintaining Fremont's infrastructure. This is primarily due to three factors. First, as Fremont ages, so does its public infrastructure. The majority of Fremont's public infrastructure was constructed many years ago and now requires either an increased level or frequency of repairs, compounded by not having had adequate resources to spend on street maintenance in the past. Second, as Fremont continues to grow, additional infrastructure is added that must be maintained, further stretching the City's limited maintenance resources. Finally, new requirements result in increased costs. Some of these requirements are voluntary, such as the City's continued move toward greater sustainability. Although sustainability programs such as improved energy efficiency will eventually save money and reduce greenhouse gas emissions, in the near term there are increased transitional costs. Other maintenance requirements, which are regulatory in nature, have increased dramatically over the last few years, and have added significant costs to City operations.

Major City Initiatives: Although the City's current economic climate is grim, affecting the breadth and depth of services offered to the community, there are many important initiatives currently underway. These initiatives are important investments in the community's future and position the City well for long-term growth and stability. Notwithstanding the impacts of budget reductions, City staff must continue to proactively move these important initiatives forward.

Development: There are a number of significant development projects and initiatives underway. These are all important elements of our sales tax diversification strategy.

NUMMI Site Reuse and Revitalization: The closure of the NUMMI automobile plant has presented challenges and created opportunities for both Fremont and the region. In order to develop a strategy for the NUMMI site and surrounding areas, the City applied for and received a \$333,000 grant from the United States Economic Development Administration (EDA). These grant funds will be used to complete a series of four studies to develop a strategic plan for the reuse and revitalization of the NUMMI site. These studies are expected to be conducted in FY 2010/11, although the scope of work may be modified in light of the recent announcement by Toyota and Tesla.

The studies will focus on the Warm Springs/South Fremont area of over 850 acres that surrounds the future Warm Springs BART station and includes the NUMMI site. In addition to these studies, the City has applied for a Priority Development Area designation from the Association of Bay Area Governments. The strategic location of this area with convenient Interstate freeway access, rail access, and public transit (via the future Warm Springs BART station and bus service) present an unparalleled opportunity for economic development and new jobs in the Bay Area. The studies are expected to be complete in early 2011, and the results will be integrated into a Specific or Community Plan, as well as the new General Plan.

Midtown/Capitol Avenue: The Midtown/Capitol Avenue project is a "Main Street" style pedestrian-oriented mixed-use development focused in the area bounded by Fremont Boulevard, Mowry Avenue, Paseo Padre Parkway, and Walnut Avenue. In August 2008, the City entered into a Memorandum of Understanding (MOU) with TMG Partners for planning and development. Staff is currently working with TMG Partners on the development of a Specific Plan/Precise Plan for the Midtown District and associated environmental review. When completed, these documents will provide certainty for

developers as to the type of project that can be developed and will help expedite the approval process, saving both time and money.

Retail Centers: Pacific Commons is an 880,000 square-foot retail center located at I-880 and Auto Mall Parkway. It is anticipated that re-tenanting of existing vacant spaces and a potential proposal to expand the Center with a new “big box” anchor and a 16-screen movie theater will be the focus of attention in FY 2010/11. In addition to efforts at Pacific Commons, the City will continue its efforts to find tenants for existing retail vacancies throughout Fremont.

Emerging Technology: Fremont’s emerging “clean and green” technology cluster is expanding, most notably with the new construction of the Solyndra manufacturing plant. Currently, over 300,000 square feet of new specialized manufacturing space is being developed, and a second phase is planned to begin construction next fiscal year. Other solar and clean technology firms have been leasing space in Fremont and planning expansions. Fremont’s biotech and medical device industry cluster has been stable, with firms continuing to make investments in their facilities. Staff seeks opportunities and continues to meet with potential businesses and market local sites. The establishment of these various technology clusters promotes business-to-business opportunities, helping employment and the City’s sales tax revenues.

Local Business Stimulus Package: The City will continue to market the measures included in the March 2009 Local Business Stimulus Package designed to help existing Fremont businesses and provide incentives to attract new businesses to Fremont during these difficult economic times. The measures in the Local Business Stimulus Package include the following:

- Reduce Development Impact Fees citywide by 10% until December 31, 2011, by collecting 90% of the fee during this time.
- Reduce Development Impact Fees by 25% within the Central Business District (CBD) until December 31, 2011, by collecting 75% of the fee during this time.
- Change the current practice of collecting Development Impact Fees at time of building permit issuance to collecting fees prior to final inspection or granting of Certificate of Occupancy.
- Exempt clean technology firms from the Business License Tax for up to five years.
- Increase the local business purchasing preference from 2.5% to 5% until December 31, 2010.
- Authorize the City to participate in the Statewide Community Infrastructure Program in order to offer developers an alternative financing program to pay Development Impact Fees.
- Assist qualifying local businesses with creating a Foreign Trade Zone.

In addition, there are a number of other ongoing Economic Development, Redevelopment Agency, and Planning Division activities that will be retooled and/or introduced in the upcoming year as part of the City’s concerted effort to provide additional assistance for local businesses. These activities include the following:

- The City’s “Shop Fremont” campaign.
- The Redevelopment Agency’s Commercial Rehabilitation Loan Program.
- Partnering with local educational institutions and employment agencies to promote small business workshops, job training and employment resources.

- Providing additional promotion of Employment Training Panel funds and Industrial Development Bonds for qualifying businesses.
- Updating the Sign Ordinance to allow more leeway and flexibility for business promotion.

City staff was recognized on March 26, 2010, by the Fremont Chamber of Commerce for being “business friendly” based on efficiency improvements and local stimulus programs that have assisted businesses and development during this economic downturn.

Federal Economic Stimulus: President Barack Obama signed the \$787 billion American Recovery and Reinvestment Act (ARRA) of 2009 into law on February 17, 2009. The American Recovery and Reinvestment Act of 2009 is also commonly known as the Federal Stimulus Package. The main objectives of the Federal Stimulus Package are to create jobs and stabilize the economy. ARRA funding is targeted to programs in the areas of health care, energy, infrastructure, education, public safety, transportation, environment, affordable housing, and economic development. Significant ARRA funding awards to date include the following:

- Fremont has received \$4.01 million in new funding plus an additional \$1.9 million through a fund exchange agreement with the Alameda County Congestion Management Agency for street overlays, and \$770,000 for pavement rehabilitation on Osgood Road.
- As part of a coordinated County-wide effort, the City is actively implementing a \$1.2 million Homeless Prevention and Rapid Rehousing program designed to help families facing housing crises and those who have recently become homeless. The program is funded through ARRA, with matching Temporary Assistance for Needy Families (TANF) funds through the Alameda County Social Services Agency. Services are being delivered at the Family Resource Center, in partnership with Abode Services, a local non-profit agency.
- Approximately \$330,000 in CDBG-R funds is being used to make renovations at the Family Resource Center and reconstruct the parking lot to meet ADA standards, thus providing jobs for workers in the construction industry. The City also partnered with Alameda County and other local jurisdictions to successfully receive approximately \$13 million in Neighborhood Stabilization Program (I and II) funds to be used to purchase and renovate foreclosed homes and turn them into affordable housing units.
- The City received an allocation of \$4,456,000 in Recovery Zone Facility Bonds (RZFB) for areas the City designates as “recovery zones.” This financing tool allows smaller businesses to finance projects that create jobs and investment within communities. After a formal application and review process, the expansion project for Dale Hardware, a long-time local business, was selected to receive Fremont’s allocation to finance the construction of a 56,000 square foot expansion of its existing hardware and building supply facility.
- Fremont received \$1.89 million for energy efficiency and conservation. The funds are being used for several different projects, including installation of a new “cool” roof at the Fremont Main Library (the building is owned by the City), and a pilot program for installing high-efficiency streetlights. Preliminary work took place in FY 2009/10, and the bulk of construction/installation will occur in FY 2010/11.

General Plan Update: State law requires cities to adopt a comprehensive General Plan, which serves as the “constitution” for all future development decisions in the community. In FY 2007/08, the

City began working on an update to its General Plan, which was last comprehensively rewritten in 1991. As part of that effort, staff sought extensive community input, completed several technical studies, and held a series of study sessions with the City Council and the Planning Commission on land use policy issues. In FY 2009/10, the Planning Commission and City Council continued to provide policy direction and establish the vision for the City's future, and staff is using that information in drafting the General Plan, for consideration and final adoption by the City Council in FY 2010/11.

Redevelopment: Several exciting redevelopment projects are underway. All of these projects will help to revitalize the Redevelopment Project Areas and bring new revenue into Fremont.

Centerville: One of the largest projects underway in the Centerville district is the Agency-owned Centerville Unified Site, located on a 6.6-acre site along Fremont Boulevard near Thornton Avenue. The Agency has selected a developer for the site, is negotiating a disposition and development agreement, and anticipates commencing the entitlement process for a new development. This development will be a public/private partnership between the selected developer and the Redevelopment Agency, focused on creating a mix of uses and featuring architectural design consistent with the character of Centerville.

Irvington: The Bay Street Streetscape and Parking Project is one of the cornerstones for Irvington's revitalization. The project was initiated to transform the street environment for this three-block stretch of Bay Street to support existing, and create new, commercial and residential mixed uses, as well as to encourage other public and private investments in and around the Five Corners area in Irvington. Construction of the parking lot was completed in spring 2008 and undergrounding of the overhead utilities was completed in 2009. The streetscape work is now underway and scheduled to be completed in fall 2010.

The Grimmer Greenbelt Gateway project will create a meandering landscaped pedestrian and bicycle path from Fremont Boulevard across Paseo Padre Parkway and into Central Park. The first phase of this project, reconstruction of the Paseo Padre Parkway/Grimmer Boulevard intersection, is underway and should be completed this summer. Development of the preliminary design and cost estimates for the next phase will occur in FY 2010/11.

Niles: In conjunction with the redevelopment of the former Union Pacific (UP) property and its environs, the Redevelopment Agency will continue the design and development of a pedestrian link connecting the former UP property and Niles historic commercial core to the more visible Niles Canyon Railway passenger boarding/disembarkation platform and Mission Boulevard. The first step in this project is to identify the optimal location and type (e.g., pedestrian bridge, at-grade railroad crossing) of connection and determine the cost of construction. The next phase of work is to complete environmental remediation of the remaining portion of the UP site in preparation for future redevelopment.

Capital Projects: Despite the challenges in the City's General Fund, we continue to work on a variety of major capital projects. These projects can proceed because, for the most part, they do not rely on the City's General Fund. Rather, their funding comes from such sources as redevelopment tax increment, traffic impact fees, State and regional sources, and the Fire Safety Bond (Measure R) approved by Fremont voters in 2002.

Pavement Overlay Project: Last summer, the City of Fremont used \$4.01 million of American Recovery and Reinvestment Act (ARRA) funds, supplemented with an additional \$1.9 million of ARRA funds through a fund exchange agreement with the Alameda County Congestion Management Agency, to rehabilitate 13 street segments of arterials and collectors, for a total length of 4.3 road miles.

This year, the City will rehabilitate 11 street segments of arterials and collectors, for a total length of 4 road miles. Segments will include portions of Paseo Padre Parkway, Stevenson Boulevard, Mowry Avenue, and Thornton Avenue. This \$5.2 million project will be funded through Proposition 1B and other local funds, and construction is expected to start this summer and be completed this fall.

Osgood Road Widening: This summer, the City will widen and repave Osgood Road between Washington Boulevard and Auto Mall Parkway, using \$770,000 of ARRA funds, \$1.4 million of federal transportation funds, and traffic impact fees.

Fire Safety Bond Projects: In November 2002, Fremont voters approved Measure R by 74.4%, thereby authorizing the City to issue \$51 million in general obligation bonds, to be repaid by a property tax levy. Proceeds from these bonds are to be used to replace three fire stations, build public safety training facilities, and make remodeling and seismic improvements to seven existing fire stations. To date, all \$51 million in bonds has been issued, and new Station 8 in North Fremont, Station 6 in Centerville, and Station 2 in Niles have been completed.

Of the stations being remodeled, six are complete (Station 1 in the Central Business District, Station 4 at Pine Street and Paseo Padre Parkway, Station 5 in Warm Springs, Station 7 at Grimmer Boulevard and Auto Mall Parkway, Station 9 at Stevenson Place, and Station 10 in Ardenwood). The remodel of Station 3 in Irvington, which is the last fire station project, began construction this spring. The separate public safety training facilities consist of a Police firing range and training room, Fire training classrooms, and a Fire tactical training facility. The Fire training classrooms, which were part of the Building A Fire Administration project (funded with non-fire bond money), were completed in April 2009. The Fire tactical training facility began construction in May 2009 and will be completed in June 2010. The Police firing range began construction in April 2009 and is scheduled to be complete in mid-2010.

Parks and Recreation: Several projects are underway or about to begin that enhance the lives of our citizens, increase safety and park usability, and reduce maintenance costs.

Playgrounds: As part of a multi-year effort to bring City playgrounds into compliance with current playground safety standards and minimize maintenance costs, 12 playgrounds are currently being reconstructed. In FY 2010/11, the remaining six playgrounds will be completed. The sand or fibar surfaces at these playgrounds are being replaced with poured-in-place rubber, which is projected to reduce the number of hours necessary to maintain these playgrounds by 800 per year.

Conclusion: Fremont has long prided itself on being a lean organization, making the most of the resources entrusted to us. The prolonged recession has forced us to make hard choices about which services we will provide to the community, and how we will provide them. Fiscal discipline and wise stewardship over many years have made it possible for us to take a balanced approach as we

strategically reset our service levels. The City Council and City staff have forged a strong partnership that has enabled us to effectively meet the challenges we face.

DISCUSSION OF FY 2010/11 EXPENDITURE LIMIT: Article XIII B of the California Constitution (enacted with the passage of Proposition 4 in 1979 and implemented by SB352, Chapter 1205 of the 1980 statutes, with modifications under Proposition 111, passed in June 1990 and implemented by SB88, Chapter 80 of the 1990 statutes) provides the basis for the Gann appropriation limitation. In brief, the City's appropriations growth rate is limited to changes in population and either the change in California per capita income or the change in the local assessed property roll due to new, non-residential construction.

The formula to be used in calculating the growth rate is as follows:

$$\begin{array}{c} \frac{\% \text{ change in population} + 100}{100} \\ \text{times} \\ \text{either} \\ \frac{\% \text{ change in per capita income} + 100}{100} \\ \text{or} \\ \frac{\% \text{ change in non-residential assessed value} + 100}{100} \end{array}$$

The resulting rate times the previous appropriation limit equals the new appropriation limit.

Both the California per capita personal income price factor and the population percentage change factors are provided by the State Department of Finance to local jurisdictions each year. Population percentage change factors estimate changes in the City's population between January of the previous fiscal year and January of the current fiscal year. Reports that present changes in new, non-residential assessed value are provided by the County of Alameda. These numbers provide the basis for the factor to be used in the City's calculation of the Gann Limit. Of the two methods above, the City is using the "per capita personal income" factor because it results in the higher appropriations limit.

On May 1, 2010, the State Department of Finance notified each city of the population changes and the per capita personal income factor to be used in determining appropriation limits. The calculation as applied to the City of Fremont for 2010/11 is as follows:

The population on January 1, 2009 (215,787) compared to the population on January 1, 2010 (218,128), is 2,341, representing a 1.08% increase.

The change in per capita personal income is <2.54%>.

The factor for determining the year-to-year increase is computed as follows:

$$\frac{1.08 + 100}{100} \quad \times \quad \frac{<2.54> + 100}{100} = \quad 0.9851$$

Applying this year's factor of 0.9851 to last year's limit of \$498,945,662, the Gann Limit for FY 2010/11 yields \$491,511,372. Based on an operating budget of \$134,578,000, Fremont is not at risk of exceeding the Gann Limit.

CAPITAL PROJECT REDUCTIONS AND TRANSFER TO THE BUDGET UNCERTAINTY RESERVE: One of the budget balancing assumptions for FY 2010/11, included a review of capital projects. As a result of that review, \$2.3 million was identified for projects that can be deferred to a later date. Staff recommends that this amount be transferred to the Budget Uncertainty Reserve. This will bring the balance of this reserve to \$7.7 million, and all of it is anticipated to be used to balance the FY 2010/11 budget. This transfer to the Budget Uncertainty Reserve will not affect projects underway that have sufficient funding. However, it will help balance the FY 2010/11 operating budget. Should this additional funding in the Budget Uncertainty Reserve not be needed in FY 2010/11, it will be available in future years, should the need arise.

INTEGRATED WASTE MANAGEMENT FUND BALANCE AND RESERVE POLICIES: The City Council adopted three Integrated Waste Management fund balance and reserve policies for fiscal year 1999/2000. In July 2006, the City Council revised and replaced the original fund balance policies to include the IWM Disposal Differential Reserve Policy, the IWM Post-Disaster Debris Removal Reserve Policy, and the IWM Unallocated Fund Balance Policy.

Staff has determined it is now necessary to update and review the IWM fund balance policies to better reflect authorized uses of the funds and to adjust recommended minimum reserve fund amounts to appropriate levels. The changes to these policies include eliminating the IWM Post-Disaster Debris Removal Reserve and transferring this money to unallocated fund balance, revising the IWM Waste Management Disposal Differential Reserve, and revising the IWM Unallocated Fund Balance Policy to include use for post-disaster debris management, as well as changing the minimum fund balance from 8% to a range of 8% to 15% of the annual revenue of the solid waste collection contract.

Staff also proposes creating a new reserve policy, the IWM Vehicle Replacement Reserve Policy, for the purpose of setting aside funding for future IWM-related vehicle replacement purchases. This new reserve is necessary in order to change the funding mechanism for IWM-related vehicles. Previously, vehicle replacement charges were transferred through an annual allocation from the IWM fund to the Vehicle Replacement fund. IWM-related vehicles were then purchased from that funding source. With this change, the funding for future IWM-related vehicle purchases will be retained in the IWM fund, as a new IWM Vehicle Replacement Reserve, to be used at the time of vehicle replacement. This change is expected to provide for better management of and accounting for these restricted funds.

ENCLOSURE: [Draft Resolutions \(3\)](#)

RECOMMENDATION:

1. Hold a public hearing on the operating budget and appropriations limit for FY 2010/11.
2. Adopt a resolution approving the City of Fremont Operating Budget for FY 2010/11.
3. Adopt a resolution creating an appropriations limit of \$491,511,372 for FY 2010/11.
4. Adopt a resolution revising the Integrated Waste Management Fund Balance and Reserve Policies and creating an Integrated Waste Management Vehicle Replacement Reserve.

5.2 AMENDMENT OF SIGN REGULATIONS – CITYWIDE – (PLN2010-00145)
Public Hearing (Published Notice) to Consider a Planning Commission Recommendation to Consider a City-Initiated Zoning Text Amendment to Amend the Fremont Municipal code Title VIII, Chapter 2, Article 21 Sign Regulations Related to Freeway-Oriented Signage in the Industrial Redevelopment Area. A Mitigated Negative Declaration has been Prepared and Circulated for this Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA)

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Executive Summary: The City is currently in the process of updating and revising its overall sign regulations. The comprehensive update is taking some time due to the complexity and magnitude of the regulations. In the meantime, the proposed Zoning Text Amendment to the sign regulations would allow one freestanding, electronically changeable image sign within the Industrial Area portion of the Fremont Merged Redevelopment Project Area within the City of Fremont. The purpose of the ordinance is to foster economic development through promotion of the area as a regional retail destination. Staff is bringing the ordinance forward at this time in light of current marketing difficulties posed by the struggling economy in an effort to support and attract sales tax generating businesses.

As required by Government Code Section 65854 for the adoption of zoning text amendments, the Planning Commission held a public hearing on May 13, 2010 on the proposed amendment in accordance with Government Code Section 65855. Planning Commission recommends that the City Council approve the proposed ordinance amendment as set forth herein and based on findings provided in Exhibit “B”.

BACKGROUND: Staff is preparing a comprehensive update of the sign regulations which it will bring to City Council later this year after receiving input from the business community. There is currently a sign for the Fremont Auto Mall adjacent to I-880 that the auto mall businesses are interested in updating. The proposed ordinance amendment would provide a framework to allow a sign to advertise businesses within the Industrial Area portion of the Fremont Merged Redevelopment Project Area. Planning Commission, on May 13, 2010, recommended approval of the proposed ordinance amendment.

PROJECT DESCRIPTION: The proposed amendment adds new sections to the current sign ordinance, repeals the section for auto dealerships and modifies the section for billboards. The new section addresses the standards for a new freeway oriented sign for the Industrial Area portion of the Fremont Merged Redevelopment Project Area. A new definition for on site or on premise signs is also proposed. The proposed text additions are shown in underline format as follows:

Fremont Municipal Code Title VIII, Chapter 2, Article 21, Section 8-2192 is added to read:

Sec. 8-2192. Signs, definitions relating to.

(v) “On-site or On-premise Sign” shall mean any sign or portion thereof that identifies, advertises, or attracts attention to a business, product, service, event or activity sold, existing or offered upon the same property or land use as the sign. The off-site/on-site distinction applies only to commercial messages. In the case of multiple tenant commercial or industrial developments, a sign is considered “on-site” whenever it is located anywhere within the development. In the case of a duly approved master sign program, a sign anywhere within the area controlled by the program is “on-site” when placed at any location within the area controlled by the program.

Fremont Municipal Code Title VIII, Chapter 2, Article 21, Section 8-22114 is added to read:

Sec. 8-22114. Freeway-oriented sign for Industrial Redevelopment Project Area.

(a) Notwithstanding any other provision in this article, within Industrial Area portion of the Fremont Merged Redevelopment Project Area, one freestanding, animated “slide show type” electronically changeable image sign shall be permitted adjacent to a freeway (between 130 and 220 feet of freeway centerline), for purposes of advertising only the businesses located within the boundaries of such area.

(b) As used in this section, “animated or electronically changeable image sign” means a sign on which the displayed image may be changed by an electronic control system, so as to present to the viewing public a series of still images, similar to a traditional “slide show.”. This definition includes electronic message signs, sometimes called electronic reader boards. This definition does not include display methods for a constantly moving image, such as television or a motion picture.

(c) Any sign allowed by this section shall be subject to the approval of a conditional use permit as set forth in article 25 of this chapter, except that the city council shall be the approving body. The city council shall review the proposed sign for conformity with the following standards:

(1) Sign height (including projections) = 72 feet maximum

(2) Sign width (perpendicular to freeway) = 50 feet maximum

(3) Sign width (parallel to freeway) = 20 feet maximum

(4) Sign illumination = LED (Light Emitting Diode) or equivalent low energy usage

(5) Sign image duration and display criteria for main screens:

(A) Image hold time: minimum of 8 seconds between images or Caltrans standard, whichever is greater.

(B) Transitions to be gradual (e.g., images shall fade in and out). There shall be no abrupt changes in images or lighting levels.

(C) Screens to be turned off between 1:30 AM and 5:30 AM daily (Remainder of the sign may remain lit.

(6) Aesthetic considerations:

(A) Compatibility with the surrounding area, namely the form, proportion, architectural scale in proportion to other nearby buildings and structures, materials, surface treatment, overall sign size;

(B) The location and placement of the sign will not endanger motorists;

(C) The sign's lighting will not cause hazardous or unsafe driving conditions for motorists;

(D) The sign will not cover or blanket any prominent view of a structure or façade of historical or architectural significance;

(E) The sign is compatible with the existing area and does not impose an inharmonious element to an existing skyline.

(7) Compliance with applicable building permit regulations.

Fremont Municipal Code Title VIII, Chapter 2, Article 21, Section 8-22106 is amended by deleting subsection (L) of section 8-22106 in its entirety as follows:

Sec. 8-22106. All districts.

(A) – (K) Text unchanged.

~~(L) Off-site Directional Signs. For automobile dealerships when part of a unified development consisting of four or more automobile dealerships situated on contiguous lots and/or on opposing lots separated by a roadway, and when located within one mile of a freeway interchange, one off-site sign may be erected adjacent to a freeway directing customers to the location of the dealerships. Such off-site signs shall not exceed thirty feet in height above the finished grade, and the sign copy shall not exceed one hundred fifty square feet in area. The sign shall only provide directional information. No individual dealership identification shall be permitted. Lettering for the signs shall be restricted to channel letters, illuminated either internally or externally, although one-half of the sign face may be dedicated for use by an electronic traveling message board. No such sign shall be permitted within one thousand linear feet of another off-site sign as measured along the freeway. The signs shall be designed as pylon-type structures. All such signs shall be provided with an operable irrigation system and landscaping prior to the final sign off on the building permit. All such signs shall be subject to the review and approval of the development organization.~~

Fremont Municipal Code Title VIII, Chapter 2, Article 21, is amended by modifying section 8-22110 as follows:

Sec. 8-22110. Repealed.

Fremont Municipal Code Title VIII, Chapter 2, Article 21, is amended by modifying section 8-22113 as follows:

Sec. 8-22113 Billboards

(a) Text unchanged.

(b) This section does not affect existing, legal billboards, or prevent relocation agreements, as authorized by Business and Professions Code Section 5412, so long as such agreements are not contrary to other applicable law. This section does not apply to freeway oriented freestanding signs in redevelopment project areas, when such signs are used to display noncommercial messages or commercial messages pertaining to establishments located within the same redevelopment project area.

(c) – (f) Text unchanged.

DISCUSSION/ANALYSIS: The proposed ordinance amendment would allow only one freestanding freeway oriented sign in the Industrial Area Portion of the Fremont Merged Redevelopment Project Area. Any business located in this Industrial Area Portion could advertise on the one freeway-oriented sign. This sign would be subject to a conditional use permit (City Council review and approval only) and conformance with the new standards in the proposed ordinance. The existing Auto Mall sign near I-880 does meet the definition now and the sign could be updated in the future to the increased height and electronic changeable image size allowed by the proposed ordinance. The proposed ordinance would allow an increase in height from sixty feet to seventy-two feet. The electronically changeable image sign area could be approximately 600 to 700 square feet. A standard size for such screens is 14 feet in height and 48 feet in width. The existing Auto Mall sign is sixty feet in height and has an electronically changeable image sign area of 216 square feet (9 x 24 feet). For comparison, the Central Chevrolet sign at Thornton and I-880 (not in the Industrial portion of Redevelopment Area) is also sixty feet in height and has an electronically changeable image sign area of 345 square feet (15 X 23 feet). Both of the existing signs are have screens facing two directions.

The current sign ordinance prohibits billboards, which are defined generally as signs that are used for the display of general advertising for hire, or are used for the display of commercial advertising messages which pertain to products or services which are offered at a different location, also known as “off-site commercial” messages. The proposed text amendment would not create a billboard because it would not allow general off-site advertising for hire: only businesses within the described area could advertise. The sign would be akin to an on-site sign for the Industrial Portion of the Fremont Merged Redevelopment Project Area.

General Plan Conformance:

The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

FUNDAMENTAL GOAL F-8: A diversity of residential, recreational, cultural, employment and shopping opportunities.

FUNDAMENTAL GOAL F-9: A large, diversified industrial and commercial base to meet the employment needs of the city's present and future workforce.

GOAL LU 3: Sufficient industrial land to provide a diversified industrial base to meet the employment needs of the City's present and future workforce.

LOCAL ECONOMY (LE) GOAL 2: A strong municipal tax base.

Analysis: The proposed amendment supports the objectives of the sign regulations to direct persons to a variety of activities and enterprises that would facilitate the full development of the Industrial Redevelopment Area. The sign ordinance amendment would support the attraction and retention of businesses and industries that benefit Fremont by increasing sales and supporting sales tax and employment-generating businesses.

FISCAL IMPACT: None

ENVIRONMENTAL REVIEW: An Initial Study (Informational Item 1) and Draft Negative Declaration (Exhibit "A") have been prepared for this project in accordance with the California Environmental Quality Act.

ENCLOSURES:

Exhibits:

[Exhibit "A" Draft Negative Declaration](#)

[Exhibit "B" Ordinance](#)

Informational Items:

[Informational 1 Initial Study](#)

[Informational 2 Draft Planning Commission Minutes](#)

[Informational 3 Location Map](#)

RECOMMENDATION:

1. Hold public hearing.
2. Adopt Negative Declaration and find this action reflects the independent judgment of the City of Fremont.
3. Find the Zoning Text Amendment is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Fundamental Goals and Local Economy Chapter as enumerated within the staff report.
4. Find the public necessity, convenience and general welfare require the adoption of this Zoning Text Amendment because the proposed amendment is in conformance with current court decisions and explicitly states the intent of the current ordinance.
5. Approve the findings provided in Exhibit "B" based upon the testimony and information provided to City Council.
6. Waive full reading and introduce ordinance to adopt the Zoning Text Amendment, as set forth herein based upon findings in Exhibit "B".

6.1 Report Out from Closed Session of Any Final Action

7.1 APPROPRIATE \$333,000 IN EDA GRANT FUNDS AND \$83,250 IN CITY MATCHING FUNDS FOR NUMMI SITE REUSE AND REVITALIZATION PROJECT

Appropriate Economic Development Administration (EDA) Grant Funds of \$333,000 to the NUMMI Site Reuse and Revitalization Project, City Project No. 8735(PWC), and Appropriate the City's 20 Percent Match of \$83,250 to 501PWC8735 from 501 Capital Improvement Unallocated Fund Balance

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Executive Summary: On February 24, 2010, following authorization from City Council, staff filed a grant application for \$333,000 with the federal Economic Development Administration. The grant application sought funding to assist the City in analyzing the potential to reuse, redevelop, and plan for the ultimate buildout of the 380-acre NUMMI site and several sites immediately adjacent to NUMMI, including lands by the future Warm Springs BART Station.

BACKGROUND: The Economic Development Administration (EDA) invited the City of Fremont to apply for a Planning and Technical Assistance grant to help complete a series of studies that will support reuse and revitalization of the NUMMI site and the surrounding area in order to provide economic benefit for the community through support of actions that will create new jobs. Staff responded by submitting an application, which was subsequently approved for \$333,000. The proposed use of the EDA funds will support four main study components: 1) Economic and Market Analysis Strategic Plan; 2) Land Use Alternatives Study; 3) Infrastructure and Cost Analysis; and 4) Financial Assessment. In order to initiate this project, staff recommends that the City Council authorize the City Manager or designee to appropriate the EDA grant funds.

On May 20, 2010, Tesla Motors and Toyota Motor Corporation announced their intent to cooperate on the development of electric vehicles at the NUMMI site. Although specific details of the use of the site are still emerging, staff confirmed with the EDA that funding for the NUMMI site reuse and revitalization studies will continue. EDA staff stated that, "From the perspective of [the] EDA, the purpose of the grant is to assist the City of Fremont in the development of long-term solutions and alternatives pertinent to economic activity that would take place in the community whether, or not, automobile manufacturing occurs within the corporate limits of Fremont." It is important to note, the EDA also stated that a partnership between Tesla Motors and Toyota Motor Corporation and the purchase of a portion of NUMMI-owned properties "does not invalidate the grant award."

DISCUSSION/ANALYSIS: With EDA funding, the City will undertake, through the hiring of consultants, a series of studies: 1) Economic and Market Analysis Strategic Plan that will identify the short-term market for NUMMI properties and other adjacent properties and recommend how best to accommodate the potential market for future uses over the longer term; 2) Land Use Alternatives Study that will evaluate and recommend land use policy options for the type and level of development over the

middle- and long-term that can flexibly accommodate market changes over time; 3) Infrastructure and Cost Analysis that will identify the physical opportunities and constraints for developing the site, including an assessment of critical infrastructure needs for alternative land use options; 4) Financial Assessment that will examine the financial feasibility of land uses being considered.

As reported this spring, the studies will be conducted on an aggressive timeline. On April 7, 2010, the City released a Request for Proposals (RFP) for consultant preparation of the above-noted studies. Proposals were received on May 7, 2010, and selected consultants have been invited to interviews during the week of June 7. Following the interviews, staff will negotiate contract language and terms with a preferred consultant team and recommend that the City Council award a contract with this team in July 2010. Once a consultant team is under contract, the studies are anticipated to be completed in approximately eight months. Staff will work closely with the selected consultant team to address the latest developments regarding any agreements or plans that are in place relative to the NUMMI plant and lands (such as the announced Tesla Motors/Toyota partnership), adjusting the scope of work where necessary and practical.

The grant will be administered through the EDA, and the City is required to provide a 20% match to supplement the EDA grant funds. This match will be provided through use of City staff time.

FISCAL IMPACT: The total estimated costs for this project are \$416,250. The EDA's grant of \$333,000 is anticipated to cover the costs for consultants to prepare the NUMMI-related studies. The EDA requires a 20% City match of the total project cost. The City's required match of \$83,250 will be met entirely through the use of City staff time incurred in administering the grant, providing information to and working with the consultant team on the technical studies, and public communication regarding the studies. The 20% City match will be funded by unallocated fund balance from the 501 Capital Improvement fund.

ENVIRONMENTAL REVIEW: There is no project or other action related to this staff report that triggers provisions of the California Environmental Quality Act (CEQA). Therefore, no CEQA determination is required.

ENCLOSURE: None

RECOMMENDATION:

1. Appropriate the Economic Development Administration (EDA) grant funds in the amount of \$333,000 to 199PWC8735, NUMMI Site Reuse and Revitalization project.
2. Appropriate the City's 20 percent match of \$83,250 to 501PWC8735 from 501 Capital Improvement unallocated fund balance to the NUMMI Site Reuse and Revitalization project.

7.2 CLIMATE ACTION PLAN

Review and Discussion of Potential Actions for Inclusion in the City's Climate Action Plan

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Executive Summary: Pursuant to previous direction from the City Council, staff is in the process of developing a Climate Action Plan (CAP). The CAP will be adopted as part of the General Plan and is intended as a workplan for reducing Fremont's greenhouse gas emissions. The purpose of this item is to receive the City Council's comments and direction about a list of potential actions to include in the CAP to reduce greenhouse gas emissions in the City of Fremont between now and 2020. Staff will use Council feedback along with community input and continued analysis to develop a finalized list of actions that will become the heart of the City's CAP and provide the roadmap for implementation.

BACKGROUND: In 2008, the City completed a greenhouse gas (GHG) emissions inventory for the baseline year 2005. The inventory revealed that the transportation sector—primarily passenger vehicles—is responsible for 60% of Fremont's GHG emissions. Building energy use and solid waste are responsible for 37% and 3% of emissions, respectively. Also in 2008, the Council adopted a goal of reducing the community's GHG emissions by 25% from 2005 levels by 2020, in order to mitigate the harmful effect of GHG emissions on climate change.

DISCUSSION/ANALYSIS: The City of Fremont would need to reduce greenhouse gas emissions by over 700,000 MTC02e (metric tonnes of carbon dioxide equivalent) in order to meet the adopted goal. Like many local jurisdictions with significant emission reduction goals, the City will rely heavily on the successful implementation by the State of California of a wide range of emission reduction strategies in order to meet our goal. Examples of State-level strategies include the Renewables Portfolio Standard, which requires electric corporations such as PG&E, the energy provider for the City of Fremont, to increase procurement from eligible renewable energy sources, and the Low Carbon Fuel Standard, which will reduce greenhouse gases by reducing the carbon content of fuel used for transportation. Regional actions to implement Senate Bill 375, which establishes stronger linkages between land use and transportation, thus reducing vehicle-miles traveled, will also result in reduced greenhouse gas emissions in Fremont.

While State and regional actions will be responsible for the majority of greenhouse gas emission reductions, the City can achieve additional reductions, both community-wide and in City operations, in the areas of transportation, energy, and solid waste. There are a range of tools available along a continuum – with advocacy and leadership at one end, and regulation at the other – that the City could employ. Staff seeks direction from Council on specific measures and also on the extent to which the City should encourage and provide incentives for private sector action versus establishing mandatory requirements.

FISCAL IMPACT: The fiscal impact of implementing possible Climate Action Plan measures depends on the specific measures ultimately adopted by the City Council.

ENVIRONMENTAL REVIEW: There is no project related to the discussion of possible Climate Action Plan measures, and no action is required under the provisions of the California Environmental Quality Act (CEQA).

ENCLOSURE: [Portfolio of potential actions for reducing greenhouse gas emissions](#)

RECOMMENDATION:

1. Council discussion and feedback to staff about continuum of potential actions.
2. Direct staff to return with a Climate Action Plan for Council adoption as part of the General Plan update process.

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events

ACRONYMS

ABAG.....	Association of Bay Area Governments	FUSD	Fremont Unified School District
ACCMA.....	Alameda County Congestion Management Agency	GIS	Geographic Information System
ACE	Altamont Commuter Express	GPA.....	General Plan Amendment
ACFCD	Alameda County Flood Control District	HARB	Historical Architectural Review Board
ACTA	Alameda County Transportation Authority	HBA	Home Builders Association
ACTIA	Alameda County Transportation Improvement Authority	HRC	Human Relations Commission
ACWD	Alameda County Water District	ICMA	International City/County Management Association
BAAQMD	Bay Area Air Quality Management District	JPA	Joint Powers Authority
BART	Bay Area Rapid Transit District	LLMD	Lighting and Landscaping Maintenance District
BCDC	Bay Conservation & Development Commission	LOCC.....	League of California Cities
BMPs	Best Management Practices	LOS	Level of Service
BMR	Below Market Rate	MOU	Memorandum of Understanding
CALPERS.....	California Public Employees' Retirement System	MTC.....	Metropolitan Transportation Commission
CBD	Central Business District	NEPA	National Environmental Policy Act
CDD.....	Community Development Department	NLC.....	National League of Cities
CC & R's	Covenants, Conditions & Restrictions	NPDES.....	National Pollutant Discharge Elimination System
CDBG	Community Development Block Grant	NPO.....	Neighborhood Preservation Ordinance
CEQA	California Environmental Quality Act	PC.....	Planning Commission
CERT	Community Emergency Response Team	PD	Planned District
CIP	Capital Improvement Program	PUC.....	Public Utilities Commission
CMA	Congestion Management Agency	PVAW	Private Vehicle Accessway
CNG.....	Compressed Natural Gas	PWC.....	Public Works Contract
COF	City of Fremont	RDA	Redevelopment Agency
COPPS	Community Oriented Policing and Public Safety	RFP	Request for Proposals
CSAC.....	California State Association of Counties	RFQ.....	Request for Qualifications
CTC	California Transportation Commission	RHNA	Regional Housing Needs Allocation
dB	Decibel	ROP.....	Regional Occupational Program
DEIR.....	Draft Environmental Impact Report	RRIDRO.....	Residential Rent Increase Dispute Resolution Ordinance
DO	Development Organization	RWQCB	Regional Water Quality Control Board
DU/AC.....	Dwelling Units per Acre	SACNET	Southern Alameda County Narcotics Enforcement Task Force
EBRPD	East Bay Regional Park District	SPAA	Site Plan and Architectural Approval
EDAC	Economic Development Advisory Commission (City)	STIP	State Transportation Improvement Program
EIR.....	Environmental Impact Report (CEQA)	TCRDF.....	Tri-Cities Recycling and Disposal Facility
EIS	Environmental Impact Statement (NEPA)	T&O	Transportation and Operations Department
ERAF	Education Revenue Augmentation Fund	TOD	Transit Oriented Development
EVAW	Emergency Vehicle Accessway	TS/MRF	Transfer Station/Materials Recovery Facility
FAR	Floor Area Ratio	UBC	Uniform Building Code
FEMA.....	Federal Emergency Management Agency	USD.....	Union Sanitary District
FFD.....	Fremont Fire Department	VTa	Santa Clara Valley Transportation Authority
FMC.....	Fremont Municipal Code	WMA	Waste Management Authority
FPD.....	Fremont Police Department	ZTA.....	Zoning Text Amendment
FRC.....	Family Resource Center		

**UPCOMING MEETING AND CHANNEL 27
BROADCAST SCHEDULE**

<i>Date</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>	<i>Cable Channel 27</i>
June 15, 2010	5:30 p.m.	Work Session and Regular City Council Meeting	Council Chambers	Live
June 22, 2010		Cancelled		
June 29, 2010 (5 th Tuesday)	TBD	No City Council Meeting		
July 6, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 13, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 20, 2010	TBD	Work Session	Council Chambers	Live
July 27, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
		August Recess		
September 7, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 14, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 21, 2010	TBD	Work Session	Council Chambers	Live
September 28, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 5, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 12, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 19, 2010	TBD	Work Session	Council Chambers	Live
October 26, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live